

6/17/13



# CLOVIS POLICE DEPARTMENT IA Investigation #13-03

TO: [REDACTED], Chief of Police

FROM: [REDACTED] Police Sergeant  
[REDACTED] Police Sergeant

DATE: June 10, 2013

RE: Internal Affairs Investigation # 13-03

**INVOLVED OFFICER:**

Kyle Pennington

**COMPLAINANT(S):**

[REDACTED]

**WITNESSES:**

[REDACTED]

## **INVESTIGATION:**

For this investigation we/I contacted each of the listed witnesses individually and recorded their statements. I reviewed audio tapes and obtained and reviewed any relevant reports associated with this investigation.

## **SUMMARY/SYNOPSIS:**

On March 7, 2013, Sergeant [REDACTED] and I, Sergeant [REDACTED], were assigned to conduct an Internal Affairs Investigation; the subject being Officer Kyle Pennington. The allegations made by the complainant [REDACTED] were expressed in a letter that she wrote and submitted to the Clovis Police Department and in summary stated that Officer Pennington was a dishonest person of such low integrity that she was astonished that he would be working and representing our Department. The allegations specified that Officer Pennington was taking advantage of the Clovis Police Department by taking time off from work under the guise of military training and not actually attending any training, but instead hanging out with her, going out drinking or out of town on vacation. The complainant said that during these times Officer Pennington would make comments that he needed to "lay low and stay out of Clovis" so he would not get caught while doing this.

The complainant alleged that while Officer Pennington was out on "Light Duty" he was performing activities that she believed were outside the limitations of someone being off from work. She said that he would play sports, do construction work on his house and go to the gym on a daily basis. She also alleged that Officer Pennington on multiple occasions drank heavily and drove his personal vehicle while intoxicated.

The complainant alleged that Officer Pennington had sexual relations with her while he was working and on duty. She said that Officer Pennington would spend hours with her at her house hanging out with her talking, watching TV and eating while he was supposed to be working. She also said that she had been on multiple ride-a-

longs with Officer Pennington, all of which resulted in them having sexual relations in his patrol car while he was working.

The complainant alleged that Officer Pennington, while working, would pick her up in his patrol vehicle, from various locations, and give her a ride home. She said that on one occasion he picked her up in Fresno and drove back at 120 MPH to her house in Clovis.

The complainant alleged that Officer Pennington was using steroids, due to syringes and bottles of foreign substances that she had seen in his belongings. She said that his temper and body type are also why she believes he is using steroids.

The complainant alleged that Officer Pennington, on multiple occasions, battered her, causing serious injuries. She said that during the alleged domestic violence she sustained bruises on her arms, legs and ribs. She said that Officer Pennington was both physically and mentally abusive to her.

The complainant also alleged that Officer Pennington was addicted to sex as well as pornography. She said he had multiple computer files of pornography, in which the girls appeared not to be of legal age.

The complainant said that she could provide witnesses, evidence and testimony for these allegations.

Upon speaking to the complainant, some of the witnesses and the involved Officer; it is apparent that Officer Pennington did not attend any scheduled military trainings from April through September of 2012 and furthermore, anything that he actually stated he did that was military related was so incidental that it didn't account for the majority of time that he was being compensated for. Officer Pennington was also found to have abused company time by spending unreasonable amounts of time visiting, talking and texting with the complainant while on duty. Officer Pennington's conduct regarding the alleged domestic violence and sexual abuse was substantial enough to be forwarded to the District Attorney's Office for filing and, therefore, his conduct and decisions reflect poorly on the Clovis Police Department.

Officer Pennington's notoriously disgraceful conduct and behavior was again documented in a domestic violence report with a different complainant/victim under Internal Affairs report #13-05.

## **STATEMENTS/INTERVIEWS:**

### **Kyle Pennington (Criminal Interview)**

On 3/20/13, Detective [REDACTED] and Sergeant [REDACTED] met with Officer Pennington and his attorney/ representative [REDACTED] at the Clovis Police Department. Detective [REDACTED] and Sergeant [REDACTED] interviewed Officer Pennington regarding the criminal portion of this investigation involving the domestic violence allegations. This is Officer Pennington's summarized statement (See Detective [REDACTED] criminal report under case #13-4197 for details). This report was transcribed in its entirety and is attached to this report.

Officer Pennington said his marriage had "gone to shit". He and his wife had separated. Officer Pennington met [REDACTED] in May of 2012. Officer Pennington said he was living "couch to couch" at that time. Officer Pennington said that their relationship progressed to the point where he stayed at [REDACTED] mother's house.

Officer Pennington said their relationship continued to progress the next two to three months. Officer Pennington said everything was good. [REDACTED] mother decided to move to Oregon. Officer Pennington then asked [REDACTED] if she wanted to move in with him. Officer Pennington was looking into renting a place and asked if [REDACTED] was willing to have her name on the lease as well. Officer Pennington said they ended up moving into the current residence in July or August of 2012.

Officer Pennington said everything was good for a while. Officer Pennington explained that [REDACTED] is young and naive. Officer Pennington said that [REDACTED] had a lot of "trust issues" that stemmed from previous relationships that she had. [REDACTED] would question things that he was doing at work from time to time. Officer Pennington said this progressively became worse. As a result of this, there were

several arguments stemming from this issue. Officer Pennington said it got to the point where the relationship was becoming like his marriage was prior to its dissolving.

Officer Pennington said in January of this year, ■■■ took off to San Diego to visit her sister for a while. ■■■ wasn't answering his phone calls or his text messages. When ■■■ came back, she moved in with her father. Officer Pennington said at that point he was still trying to make this relationship work. Officer Pennington continued for approximately two weeks or so, but finally decided that he wasn't going to chase her around anymore (figuratively speaking) and moved on with his life.

Officer Pennington said he started dating a different girl a few weeks after that in February. Officer Pennington said that ■■■ would still contact him from time to time. Officer Pennington said he had to tell ■■■ that he didn't want anything to do with her and that their relationship was putting him in a bad situation. Officer Pennington said that he offered to help her move the rest of her things out of the house. ■■■ said she understood.

Two days later, Officer Pennington said he and his current girlfriend happened to run into ■■■ at a local convenience store. ■■■ started "flipping out." Officer Pennington said that ■■■ was yelling and screaming. Officer Pennington said he took ■■■ outside and asked her to "leave it alone." Officer Pennington then left back to his house with his girlfriend.

■■■ ended up following them back and parking in the driveway of his house for several hours, crying hysterically. ■■■ said she wanted to pick up some stuff. Officer Pennington said he tried to find out what exactly she wanted to get. ■■■ started "making a spectacle of herself." Officer Pennington said he had neighbors that witnessed this. Officer Pennington said he told ■■■ that he was going to close the garage door and told her that she could wait in her car. Officer Pennington then called ■■■ father and told him that he needed to come and get her. Officer Pennington then left for approximately 3 or 4 hours. When he returned, ■■■ was gone. Officer Pennington said he spoke with his neighbors who told him that ■■■ had sat in her car for some time. Officer Pennington said that he has an extension cord

that runs underneath his garage door that is used to plug in his patrol car at night. Per the neighbors, [REDACTED] used that extension cord to plug in her computer and was doing stuff on her computer while she sat there. The neighbor also told Officer Pennington that [REDACTED] left her car on the entire time and the battery died. [REDACTED] father showed up and then she left.

Officer Pennington said a week before this happened, [REDACTED] came to the house while he was not there. Officer Pennington said [REDACTED] had keys to the house. [REDACTED] destroyed a bunch of property that belonged to him. I asked what kind of property. Officer Pennington said it was toiletries and cologne that was in the bathroom.

Officer Pennington said that same day, [REDACTED] texted him saying that she wanted him to look after her son after she was gone. Officer Pennington said he was confused and tried to text and call her back, but was unable to get a hold of her. All day passed without contact. Officer Pennington said that night [REDACTED] showed up to his house and she was "crazy." Officer Pennington said she was "flailing around" all over the place and arguing with him. [REDACTED] told Officer Pennington that she had taken 10 to 12 Xanax pills that she had gotten from her mother. [REDACTED] said that she passed out all day and had just woken up. Officer Pennington told [REDACTED] that he didn't want to deal with her in this state. Officer Pennington told Irby that she shouldn't drive anywhere, but did not want her there at the house. [REDACTED] got into her vehicle and left. Officer Pennington said that he spoke with [REDACTED] on the phone several times while she was driving back home. A couple of times, [REDACTED] had to pull over because of the fact that she was "hysterical."

Officer Pennington said that prior to this, he had found [REDACTED] with pills from her mother. Officer Pennington said he told [REDACTED] that he did not want that kind of stuff in his house. Officer Pennington said the pills went away after that.

Detective [REDACTED] asked Officer Pennington about the incident where [REDACTED] said that they wrestled over the cell phone. Officer Pennington said that [REDACTED] took his cell phone and keys from him on several occasions. Officer Pennington said that his son was there when this happened. [REDACTED] thought Officer Pennington was having an inappropriate conversation with a female from his past. [REDACTED] was

yelling and screaming. Officer Pennington told her that he wasn't going to put up with it. Officer Pennington said he searched the house for his phone and keys. [REDACTED] was getting in his way. Officer Pennington said he then picked up his son and left the house walking. Officer Pennington walked to the Vons store that is nearby and called his mother from a payphone. Officer Pennington's mother came out and picked them up. They then went to Sanger.

Detective [REDACTED] told Officer Pennington that [REDACTED] said that they wrestled in the kitchen over the phone. Officer Pennington said he did not remember that. Detective [REDACTED] told Officer Pennington that [REDACTED] alleged that Officer Pennington was grabbing at her hands trying to get the phone. Because of this, and the carpet rubbing against it, [REDACTED] had a small scar on her right hand. Officer Pennington said that he did not remember that.

Officer Pennington said there were several times where [REDACTED] would grab his keys and phone and wasn't exactly sure that we were talking about the same instance. Officer Pennington said during those times, he would try to get the items back from her and there would be "tussling" involved. Officer Pennington said it never ended up with him being on top of her or anything like that.

Detective [REDACTED] told Officer Pennington that [REDACTED] alleged that he head butted her and kicked her on a different occasion. Officer Pennington said before it would come to that, he would just leave. Officer Pennington said if he wasn't able to get his phone back after trying once or twice, he would just leave to avoid any sort of physical fight.

Detective [REDACTED] asked Officer Pennington if he ever head butted [REDACTED] in the back. Officer Pennington said he did not.

Detective [REDACTED] told Officer Pennington that [REDACTED] alleged that during several arguments he would not let her leave the house or the room. Detective [REDACTED] asked if that ever happened. Officer Pennington said there was one occasion when [REDACTED] was going to leave the house intoxicated and he did not let her leave because she was going to drive. Officer Pennington said he stood in the hallway and told [REDACTED] to think about things. Officer Pennington told [REDACTED]

several reasons why she shouldn't drive off in that condition and asked her to call someone to come and get her or he would leave instead. Officer Pennington said that [REDACTED] was persistent on pushing him and trying to get around him. Officer Pennington said that he did not want the fight to escalate so he let her go. Officer Pennington said to the best of his knowledge, [REDACTED] ended up sleeping in her car.

Detective [REDACTED] told Officer Pennington about the incident that [REDACTED] alleged where he was flipping over the bed and throwing the bed outside into the garage. I told Officer Pennington that [REDACTED] said she was able to get out of the house and went to a friend's house nearby. Detective [REDACTED] asked Officer Pennington if he remembered this. Officer Pennington said he did. Officer Pennington said that [REDACTED] was intoxicated that night. Officer Pennington said he didn't remember what the argument was about, but said that it was "heated." [REDACTED] wanted to leave and go to a guy friend's house. Officer Pennington told [REDACTED] if she left than this was it. [REDACTED] left. Officer Pennington said at that point they both had an "app" on their phones that allowed them to see where each other were. Officer Pennington said he used the app to see that [REDACTED] was at that house and told himself that he wasn't going to deal with it anymore. Officer Pennington said he took the bed apart and put it in the garage. Officer Pennington said he also moved her property into the garage. Officer Pennington said he took a picture of it and sent it to her.

Officer Pennington said he wasn't comfortable with [REDACTED] being at that house. Officer Pennington said he went over there around 0030 hours or 0100 hours and noticed the television and some lights were on. Officer Pennington said he knocked on the door and a gentleman answered. Officer Pennington said he told the man very calmly that he was trying to find out if his girlfriend was there because he was worried about her safety. Officer Pennington said the man told him that he didn't live there, but Officer Pennington knew that he was lying. Officer Pennington said he told the man that if she was there, she was there. Officer Pennington told him that he wasn't going to be "crazy" with him and just wanted to know because he was concerned for her safety. The man told Officer Pennington that he would check. He left the door and came back a short time later and told Officer Pennington that she wasn't there.



Detective [REDACTED] asked Officer Pennington if he went back a second time. Officer Pennington said he went back to see if the lights had been turned off and they were. Officer Pennington said he did not knock on the door a second time. Officer Pennington said he returned home and he started to get text messages from [REDACTED]. Officer Pennington asked her if she was inside the house he went to. [REDACTED] told her that she was. Officer Pennington said a "childish" argument ensued. Officer Pennington said for whatever reason he wanted to prove or disprove that she was inside that residence, so he began walking back toward that house and found her walking from it.

Detective [REDACTED] asked Officer Pennington if anything "physical" happened that day. Officer Pennington replied, "No."

Detective [REDACTED] told Officer Pennington that [REDACTED] alleged that during consensual sex, he put his penis into her anus against her will. Officer Pennington said that anytime he had any sort of sex with [REDACTED] it was very consensual. Officer Pennington said there was probably four or five occasions when they did have sex like that. Officer Pennington said that the first time that it happened he asked [REDACTED] if she wanted him to stop. [REDACTED] told him to stop for a second; he did and did not pursue it any further that time. [REDACTED] would talk about it all of the time and told him that it was something that she wanted to do with him. Officer Pennington said they tried it again. During that time [REDACTED] told him to stop because it hurt. Officer Pennington said he then stopped. Officer Pennington said anytime [REDACTED] told him to stop, he would.

Detective [REDACTED] told Officer Pennington of the time [REDACTED] alleged that he went to the current residence in the foothills, got into another argument, and ended up ripping her pajama bottoms. Officer Pennington told me that he went up to the house to see her and possibly have sex with [REDACTED]. Officer Pennington said he and [REDACTED] had already spoken on the phone about him coming over and them having sex. Officer Pennington said he got there and they had sex. Afterward, [REDACTED] took his phone again. Officer Pennington told [REDACTED] that if she was going to look through his phone, he was going to look through her laptop computer. Officer Pennington said it became a big deal because [REDACTED] did not want him going through her laptop. Officer Pennington said he pushed a button on the computer and a big

picture of him came up on her desktop. Officer Pennington said he didn't recall ever taking that picture and wanted to look into it further. Officer Pennington said [REDACTED] was trying to take the laptop from him; they kept pulling at it. Officer Pennington said he took the laptop into the bathroom and looked at it. Officer Pennington found a picture of him sleeping that [REDACTED] had taken. Officer Pennington then opened the door and gave [REDACTED] back the laptop and told her that it was weird that she would be taking pictures of him like that. Officer Pennington said he left and got into his truck. Officer Pennington sat and thought for a second and decided that he didn't want to leave [REDACTED] on a bad note. Officer Pennington said he felt bad for just driving up, having sex with [REDACTED], and then leaving. Officer Pennington went back inside to apologize to her for that. Officer Pennington said [REDACTED] was "sympathetic" to that. [REDACTED] apologized as well. Officer Pennington told [REDACTED] that their relationship meant a lot to him and that he hadn't really moved on. Officer Pennington asked [REDACTED] if she had; [REDACTED] couldn't answer him. Officer Pennington said he got upset and tried to leave again. [REDACTED] tried to keep him there, but he was able to leave.

Detective [REDACTED] asked Officer Pennington about the ripped pajama bottom. Officer Pennington said he didn't remember that happening during that incident, but does remember doing that on a different occasion. Officer Pennington said that [REDACTED] told him that was something that she liked and it was done with consent. Officer Pennington said he would rip either her pants or her underwear because that was what she wanted. Officer Pennington said it happened on more than one occasion, but did not happen that night.

Detective [REDACTED] asked Officer Pennington about the alleged incident when he kicked her during an argument and left her several bruises. Detective [REDACTED] told Officer Pennington that [REDACTED] alleged that she had to cover up these bruises because of the modeling job she had. Officer Pennington said he remembered [REDACTED] having several bruises during that time, but she got them from playing soccer. Officer Pennington said he has never punched or kicked [REDACTED].

Detective [REDACTED] asked Officer Pennington if he knew of the pictures that [REDACTED] had of these bruises. Officer Pennington explained that [REDACTED] plays soccer in several different leagues and was always "banged up" from doing that.

Officer Pennington did say that when the relationship started to "go south," ■■■■ told Officer Pennington that she was taking pictures of these bruises and was going to use them against him and "expose him." Officer Pennington said ■■■■ said this during one of their last arguments. ■■■■ said that she was going to "ruin his life."

Detective ■■■■ asked Officer Pennington about the "roommate" whom ■■■■ said was staying with him at one time. Officer Pennington told me that he had a "buddy" from the Army stay with him at one time because he was "in between" places. I told Officer Pennington about the incident ■■■■ told me about when he broke one of the doors. Officer Pennington said he did break the door. Officer Pennington said that prior to that happening, ■■■■ had gotten into his house and broken some of his things.

Officer Pennington said that ■■■■ saw that the roommate was staying in the room that used to be used for their children. Once ■■■■ saw this, she took off running and went into one of the bedrooms and locked the door behind her. Officer Pennington said he didn't want to deal with ■■■■ breaking more of his property. Officer Pennington said he tried to open the door but found that it was locked. Officer Pennington said he pushed the door hard enough to force open the door. Officer Pennington told ■■■■ that he wanted her to leave and that was it. Officer Pennington said he did not put hands on ■■■■ during that incident.

Detective ■■■■ also told Officer Pennington that ■■■■ alleged that he pulled her by the hair. Officer Pennington said he has never hit her, kicked her, or pulled her by the hair. Officer Pennington said the only contact he would have had with ■■■■ was when he was trying to leave and he would try to move her out of his personal space. Officer Pennington went on to say that some of the incidents that ■■■■ was alleging happened were when he was on light duty for an injury and had "70 cc's of fluid in his knee." Officer Pennington said he would not have been able to wrestle or head butt anyone in the condition he was in.

Detective ■■■■ asked Officer Pennington about the broken door handle on ■■■■ car. Officer Pennington said that happened

during one of the incidents we spoke of when they were arguing. Officer Pennington said he believed that [REDACTED] was intoxicated, however she denied it. Officer Pennington said [REDACTED] loaded her son up to leave. Officer Pennington said he didn't want her to go because of the "intoxicated" state that she was in. Officer Pennington said [REDACTED] was backing out of the driveway and he reached to grab the door handle because he wanted to talk to her and stop her from driving. Officer Pennington said he was concerned for her and her son's safety. Officer Pennington said [REDACTED] continued backing up and the door handle broke. [REDACTED] then left.

Detective [REDACTED] later asked Officer Pennington if he ever called the Police because of his fear for [REDACTED] safety. Officer Pennington said he thought about that several times, but decided not to do that because he didn't want it to turn into a "big deal" because of who he was. Officer Pennington said during the incident we spoke of about when [REDACTED] told him that she took the pills, he didn't call because he did not know where she was. Officer Pennington said he wasn't "100%" convinced that was what was going on. He thought she might have been playing it up.

Detective [REDACTED] told Officer Pennington that Irby alleged that he took the phone away from her while she was trying to call 911. Officer Pennington said he never took the phone away from [REDACTED] while she was trying to call 911. Officer Pennington said there were a couple of instances when [REDACTED] threatened that if Officer Pennington were to leave that she was going to call 911. Officer Pennington said at one point, she actually dialed it up. Officer Pennington told [REDACTED] to go ahead and call because he wanted to leave. Detective [REDACTED] told Officer Pennington that [REDACTED] had actual call logs of where she called 911. Officer Pennington said it was that same incident where he told her to call because he wanted to leave. [REDACTED] threatened to show the Police the pictures of bruises. Officer Pennington told her to go ahead. [REDACTED] would then get out of his way and let him leave.

Detective [REDACTED] asked Officer Pennington if he called anyone when [REDACTED] left in the car and he broke the door handle. Officer Pennington said he did not, but should have. Officer Pennington said he didn't want to complicate things with the relationship because he still wanted to work things out with her.

Detective [REDACTED] asked Officer Pennington about the relationship between him and his ex-wife. Officer Pennington said he was with her for 13 years and there was never anything physical between them. Officer Pennington said in the 13 years they had only 1 "heated" argument.

Detective [REDACTED] asked Officer Pennington what he thought [REDACTED] motive was behind making these allegations. Officer Pennington said that she was upset that he did not want to be with her anymore. [REDACTED] was upset about him being with this new girl. Officer Pennington said that [REDACTED] was very young and naive. Officer Pennington said [REDACTED] was very spiteful and was upset over how this relationship ended.

Officer Pennington said he was aware that [REDACTED] had prior domestic violence issues between her and her ex-husband. [REDACTED] has told him several instances between the two of them. Officer Pennington said that he has personally spoken with the ex-husband because he did not want to let [REDACTED] take their child to Disneyland. Officer Pennington said that he was able to tell that the ex-husband was a good person and that they had a lot of issues between them in the past.

Officer Pennington was asked if he had any of the text messages between him and [REDACTED]. Officer Pennington said he did not, but would work on trying to retrieve them. Officer Pennington never provided any records of text messages.

### **Kyle Pennington (Administrative Interview #1)**

On 4/3/13 Sergeant [REDACTED] and I, Sergeant [REDACTED], met with Officer Pennington and his attorney (representative) [REDACTED] at the Clovis Police Department. Sergeant [REDACTED] gave Officer Pennington the Internal Affairs Advisement and Admonishment which included both the Miranda Advisement and the Lybarger Advisement. Officer Pennington refused to answer under Miranda. Officer Pennington stated he understood and signed the forms. Officer Pennington was then ordered to answer the questions

regarding the interview. This is Officer Pennington's summarized statement. This report was transcribed in its entirety and is attached to this report.

During our interview with Officer Pennington we asked him a multitude of questions. The questions were regarding the allegations of domestic violence both physical and mental, abuse of military time off, workers compensation fraud, driving while intoxicated, having sexual relations while on duty, abuse of company time and the use of steroids.

Officer Pennington said he and the complainant [REDACTED] met in April or early May of 2012. He said they met officially on a double date with him and one of his friends and her and one of her friends. Officer Pennington said they met unofficially while he was conducting an investigation involving a subject stealing tailgates from trucks and storing them at his ex-girlfriend's residence. He said he got in touch with her via the telephone and later made arrangements where she consented to letting him search her residence, where he located the stolen tailgates. Officer Pennington said that while he was working this case [REDACTED] was with the other female, which he previously knew from a party that he had attended over a year and half ago. He said that he actually had her phone number saved in his phone so he called her. He said a couple of days later this girl texted him saying that her friend [REDACTED] wanted to meet him and that's when they all went out on the double date. Officer Pennington said this girl's name is [REDACTED]. He said that during the date he and [REDACTED] exchanged numbers and then started texting back and forth. Officer Pennington said they officially started dating around early June through the end of January 2013.

I asked him to clarify a question he had previously been asked during the criminal investigation regarding an argument that he and [REDACTED] had where she left their residence and went to hide at a neighbor's house. I asked him how many times he had gone to knock on the front door of his neighbor's looking for [REDACTED] and he said only once. He said that an older man answered the front door so he asked him if [REDACTED] was inside and the man said no. Officer Pennington said that he knew she was there because they both had an app that allows them to see the location of their phone. Officer Pennington

said he stood across the street from his neighbor's house and waited for [REDACTED] to come outside, because he was concerned for her safety. He started texting with [REDACTED] which got him pretty "pissed." He said that he walked home and took their bed apart and put it in the garage because he was upset that she had gone over to another guy's house. Officer Pennington said that this entire incident took about 3 to 4 hours. He said that after he started thinking about it he realized that he wanted to make the relationship work with [REDACTED] because he cared for her and didn't want it to end like his marriage. He said that he cared for [REDACTED] and her son and that's why he took both of them into his home.

I asked Officer Pennington if he ever transported [REDACTED] or any of her friends while on duty. He said that during the theft investigation case that he told us about, he had given both [REDACTED] and her friend a ride in his patrol car. I asked Officer Pennington if he had given [REDACTED] any other ride while he was on duty and he said she had been on a ride along once before. He said other than that he had never transported anyone else. He said during the night of the theft investigation he followed normal procedure as far changing locations. I asked him when [REDACTED] went on a ride along with him, if he had her fill out the ride along form and he said "yes." I told Officer Pennington that we had no record of [REDACTED] ever going on a ride-along. He said he couldn't remember if he had turned in the ride-along form at the end of shift nor could he remember what supervisor he got permission from. He said he would have cleared it with either Sergeant [REDACTED] or Sergeant [REDACTED], but doesn't recall whom. I asked him he had ever driven in a reckless manner while transporting [REDACTED] or her friends and he said "absolutely not." He said that the night [REDACTED] did the ride-along with him he had to drive code 3 to a traffic accident that he assisted Officer [REDACTED] with. He said that he picked [REDACTED] up at her mom's residence and she rode for about 3 to 4 hours.

I asked Officer Pennington if he ever left the city limits to pick up [REDACTED], without his supervisor's permission and he said "no." I then asked him if there's any reason why his patrol vehicle's MDT computer would be pinging off cell towers in Fresno and he repeated "cell towers in Fresno" and then said "not that I know of." After a short pause he then said that there was this one situation when [REDACTED] was intoxicated in Fresno and he went to pick her up. He said that

████ couldn't get a ride home so he picked her up. He said that he believes he asked his supervisors, because it's unlike him to do something like that without asking for clearance from his supervisor. He couldn't remember which supervisor he might have asked. He said that he picked up █████ from the "Riverpark" area near Blackstone and Nees, in Fresno. Officer Pennington said he had called one of his supervisors once before and asked to pick up a "buddy" who was intoxicated and give him a ride and his supervisors allowed him to do this, but he couldn't remember what supervisor that might have been.

Officer Pennington said while he was off on light duty and working up in dispatch he worked a side job with █████ at the Tachi Palace where they both posed like statues. He said that during this time his restrictions were no running, biking or elliptical so he was within his light duty restrictions. He said █████ got paid \$400.00 dollars for both of them, but she took the money and purchased a bed for them.

Officer Pennington said that when he and █████ first met he would go there from time to time or go by to show the kids his patrol car. He said that when he moved in with █████ at her mom's house he would go by to get a bite to eat or pick up something like a cup of coffee. He said he usually didn't put himself out for code 7, but if he was tired and needed to put his head down he would. He said there was no set time that he would spend when he went by to pick something up and that it wouldn't be unusual for him to spend an hour and a half parked in the cul-de-sac working on reports. He said that he can't recall ever visiting with █████ for that long of a time period. Officer Pennington said he never had sex with █████ while on duty and if he did go there to sleep he put himself out on code 7. He said that he was always mindful of the radio traffic and would leave if a call came out. He said that he has handled calls for service from his cell phone when appropriate, but didn't feel he spent an unreasonable amount of time at the residence.

Officer Pennington said he has never engaged in any sexual activity inside his patrol vehicle. He said that he might have kissed █████ while he was seated in his patrol car when he came by to visit, but never did anything else.



Officer Pennington said he has not used steroids while being employed with the City of Clovis. He said he has been accused of using steroids in the past and thinks it's because he's a bigger guy. He said that doctors have given him some type of cortisone injections before and he also received some type of shot when he got back from Afghanistan for a problem he was having with his shoulder that might have had some type of steroid. He said that this was back in 2007 or 2008. He said that he was also prescribed "AndroGel," which is a testosterone gel and also given a testosterone shot once. Officer Pennington said he would be willing to submit to a drug screening to test for steroids. He wasn't sure about the name of his doctor nor could he provide his doctor's address, but said that he could provide it.

I asked Officer Pennington if he ever took any military time off where he actually didn't attend training. He said that during the month of August he had talked to me and told me that he didn't need that Friday and Sunday off for that month's training weekend so he only put in for Saturday to attend training. He said that he was supposed to drive down to San Diego to sign some paperwork and that got cancelled while he was driving there, so he drove back and just took the night off from work, because he had not slept. He said that any time he submitted for any military time off he did something military related. He said from about June until recently, from the time he met [REDACTED], he's been in a "weird" time frame with the army. He said previously he was the company commander for the San Diego Unit and had many responsibilities that took a lot of his time and essentially it was another full time job. He went to two company commanders schools during the beginning of 2012 from January through March.

He said that he did attend the scheduled training during the month of April, but didn't recall what he actually trained on. He said that he wasn't in command of the Unit and was transitioning his responsibilities during this time. He couldn't remember exactly where he stayed for this training, but said he would be willing to provide some type of receipts at a later date. He said that he couldn't remember who he trained with because this was the time of his "transition period" and really didn't do that much training. He said that he wasn't required to be at training because he had a good year with

regards to points and again was transitioning units. He said that before his "transition period" they would train all day Friday, Saturday and Sunday until 1700 hours. He said this became very hard for him and that's why he used basically Friday and Sunday for travel days and didn't do any training during this time period. He said that for the month of May he was sick and didn't attend his military training and said if he hadn't been sick he probably wouldn't have attended training anyway. He said for the month of June he was in Camp San Luis Obispo, because he knew he was transferring to a new Unit in Dublin and wanted to check out some ranges for that area. He said he wasn't following a training schedule nor was he required to attend training during this time. He said that during this trip he had his son with him and [REDACTED] was also with him with her child. Officer Pennington said he was caught in this "limbo state" and had the ability to do this type of stuff during this time. He said he was trying to do something military related during this time, because he had already put in for the time off at work.

I asked him if he attended annual training for the entire month of July and he said "I did not." He said during two of those weekends he was in San Diego doing some mandatory online training and was also tying up loose ends. He said on one of those dates he also gave his height, weight and did a P.T. test. I asked him who he was accountable to during this time to monitor what training or military related activity he was doing and he said he wasn't accountable to anybody during this time. He said that the online training could be done from home. Officer Pennington again said that for August he did not attend training for that Saturday and worked that Friday and Sunday. He said that he believed he attended training in October with his new Unit, but actually did a "cross fit" training in San Diego. He said this training would have been on Saturday and again Friday and Sunday were travel days.

I asked Officer Pennington if there was any expectation from the military or his employer with regards to putting in for three days off for training and using two whole days to travel. He said that, again, he was in a "transition phase" and not being paid by the military. He said that the City of Clovis gives him 240 hours of military time per year that needs to be taken in eight hour blocks for one three day period. He said this usually gives him only six to seven

months worth of one weekend a month drill time. He said he used a lot of his own time to supplement the additional training he was required to do throughout the year. He said that he doesn't keep track of his military hours. Officer Pennington said that the procedure for when he submits military time off is that we as a Department give him the time. He said that he recognized what was going on during this time and that's why he chose to change shifts so he wouldn't impact staffing and there wouldn't be a conflict anymore. He said that by doing this he hopefully won't have to burn his own time to attend any additional military training. Officer Pennington said that in hindsight he should have come to work during this "transition period," but since he had to supplement a lot of his own time for some of the required training that he did in the past, he took this time to try to expedite his transfer to his new Unit.

Officer Pennington said that with regards with these dates that were during his "transition period," he felt obligated to be there even if it was just for a short time and available. He said that his son along with [REDACTED] and her son joined him for most of these trips where he was supposed to be training, with the exception of August.

I asked him if he did family activities with [REDACTED] and the kids and he said in his off time he did, but didn't consider this time period as off time. He said he would check in and stay "local" in the area in case something "pops up" and they needed him to come back and would remain available to them for the duration of the business day. He said that it wasn't like they went off to the "zoo." I asked him if he ever was called to come back or needed for anything and he said that he was never called upon during this time. I told him that it seemed that he was using his military time during this transition period for personal family time. He said that he didn't look at it that way and there wasn't anything that he needed to do during this time so he did whatever he wanted to do.

Officer Pennington said he lost sight of how the department is required to give him the time off and since he had used a lot of his own time for military training in the past he was using both interchangeably. He said that when he put in for military time off he wasn't keeping track of his 240 hours and just figured that he would be notified by finance or Lt. [REDACTED] if he had used up all his military

time. He said that he wasn't mindful that if he put the request as military time the Department would have to give him the time off. He said that he was not aware of this until now and thought if there was a conflict or staffing was below minimum that the Department could deny his time off.

He said that for his training in November he trained with his new Unit in Dublin for two out of the three days and was excused that Sunday from training to attend a Raiders game. He said he used his own time for this training and didn't see it as an issue since he was forthcoming about going to a football game. He said he was not aware of the "request title" when putting in for time off had that sort of effect and required the Department to grant him the time off. He said he didn't become aware of this until this interview.

I asked Officer Pennington about the RST records that were provided to use through Sergeant First Class ■ which he signed for him. He said that he pulled those forms from his training records that he had after his attorney asked him if he had any training documentation for this IA. He said after he found his training records in which he recorded his training on the military regular scheduled training (RST) forms, he called Sgt. ■. He said he used to work with Sgt. ■ and asked him if he remembered him doing any of these trainings and/or dates. Officer Pennington said that Sgt. ■ said he did remember him doing these trainings so he sent him the forms so he could verify them and sign them. He said he never told him to back date the forms when he spoke to him and doesn't know why he did that. Officer Pennington said that he never intended these records to be submitted under this official capacity.

Officer Pennington said he logged into the PlanIt scheduling system after he was put on administrative leave in order to reference for this investigation.

Officer Pennington said that he attended the Police and Fire games in June of 2012 and had stopped by to give a height and weight during that time to Sgt. ■. He said that for that specific training weekend in June he believes he was in San Luis Obispo doing recon of training sites. I asked him if he was aware that a point was submitted for him by Sgt. ■ when he came in to give his height

and weight and he said no. He said that the date the point was submitted on June 24, 2012, was not on the same day he was there during the week. He also said that he never signed in on the sign in sheet that goes around to hundreds of people to sign so they can keep track of who's there. He said since he didn't need any points and really didn't need to be at training he never signed in.

Officer Pennington said that he and [REDACTED] sometimes stayed with her sister who lives in San Diego when he was down there for training, but couldn't remember exactly when that might have been. I then told him that [REDACTED] stated that during one of the July trainings which he said he did the online work she actually said that he didn't do any training. He said that he had gone to the Unit both Friday and Saturday morning and checked in while [REDACTED] was sleeping.

Sergeant [REDACTED] asked Officer Pennington specifically for his online training if there's a way of tracking his time while he's on the computer working, and he said that when you complete the course you can print out a certificate, which he said he could provide us if he was done with it, but was not sure.

I again asked Officer Pennington about the height and weight he provided in June that was recorded. I also asked him about the other height and weight he listed again in July; he couldn't remember who might have administered that diagnostic test during that time. I then asked him about the training he listed on his September training form; he again said he could not remember what he actually previously said he did during this month. He said that for that weekend he was delivering certificates of appreciation that he made for people and that took him most of the day. He said the other two days of training were used as travel dates.

Officer Pennington said that he was interviewed by a workers compensation investigator back in February of 2013 regarding his knee injury. He said in that interview what he told the investigator is true, but said he was comparing his training to the way it was previously and not how it was during his "transition period." He said he took the time off to get caught up on some stuff, including some personal stuff.

Officer Pennington said that he had already submitted for the time off at the beginning of the rotation for his training so when he did talk to his supervisor and told him that he didn't have much going on for a particular drill weekend he was told "we'll play it by ear, if you want to come back let us know, if not it's already covered." I then made the statement that his supervisors did not know that he was on a "hiatus" or "transition period." Officer Pennington replied "right."

I asked Officer Pennington that his explanation of what military training he actually did during this six month "transition period" didn't account for all the time he took off. He said that driving back and forth between here and San Diego accounted for some of the time, but said that "there's a lot of time that's not accounted for, because I didn't have the responsibilities that I once had."

Officer Pennington said that he honestly didn't understand the importance of the request title and how by titling it "military or drill" regardless of what time bank he was using that he would be given the time off. He said when he used his own time bank under the title of "military or drill", he was under the impression that he was using his personal time and could be denied time off.

### **Kyle Pennington (Administrative Interview #2)**

On 4/18/13, Sergeant [REDACTED] and I, Sergeant [REDACTED] met with Officer Pennington and his attorney (representative) [REDACTED] for a second interview at the Clovis Police Department. Prior to giving the Internal Affairs Advisement and Admonishment, Officer Pennington's attorney [REDACTED] agreed to stipulate that all Admonishments and Orders continue to apply to this interview and Miranda continues to apply and be invoked and that Officer Pennington would give a statement under Lybarger. This is Officer Pennington's summarized statement. This report was transcribed in its entirety and is attached to this report.

I asked Officer Pennington if he had any of the hotel receipts that we requested during our first interview and he said that he was still waiting for them to arrive.

We conducted this second interview to clarify some issues brought up during the first interview; specifically why Officer Pennington did not submit 1380's for retirement. The military uses the 1380 form to submit points earned by Reservists work or training they perform in the military. Reservists can submit points for time, pay or retirement. He again explained that he had made all his points for that year so there was no need for him to do that. I asked him if there was a cap on how many points he could put in for retirement for the year and he said he did not know nor was he interested in putting in for additional points at that point, because he already made a good year. I then asked him if he wasn't interested in submitting points why on the only day somebody can verify that he actually was at the San Diego Unit a 1380 was submitted when he was there to provide height and weight. He said that he never requested that a 1380 be submitted and somebody just did it. I asked Officer Pennington if he was only there for 30 minutes and was given 1 point why not put in for all those other times he said he was there checking in and doing the other military activities that we had previously discussed. Officer Pennington said that he didn't need the pay like most other people in the reserves and if he put in for pay it would mess up his VA disability percentage. This still doesn't explain why Officer Pennington would not submit points for retirement only.

Officer Pennington said that normally when a soldier goes in to do whatever and the officer or "NCO" who is dealing with the soldier will take care of submitting the 1380 for them.

I again asked him who he had checked in with during this time that we previously discussed other than when Sgt. [REDACTED] was able to verify that he was there one day for only 30 minutes sometime in June. He said he would go show his face and was not sure who saw him while was walking around handling business that he needed to handle while he was there. I asked him to clarify exactly what business needed to be handled since he wasn't doing any training during this time and he said it could've been as simple as dropping off keys or picking up equipment that he had there. He said that one

time he met with a career counselor to finalize his transfer, but he didn't know their names. He again said he felt obligated to be there in case somebody needed him for something, because he was a subject matter expert for that unit in a couple of different things. He wanted to make himself available if anybody had any questions or needed to go do a face to face meeting so he stayed in the area for them. Officer Pennington said that no one ever took him up on his offer or called on him for anything even though he was available.

I told Officer Pennington that Col. [REDACTED] informed us that he had replaced him with a different Captain towards the end of December 2012. Officer Pennington said he was not sure if that's exactly when he was replaced but it was around that time. He said that he wasn't coordinating or doing any training for this unit during this time. He said he was trying to get off the battle rosters during this time. He said that he and Col. [REDACTED] didn't see eye to eye and also mentioned that he's still waiting on an evaluation from Col. [REDACTED] that is 2 ½ years overdue. He said that Col. [REDACTED] also signed off on him being placed on two separate battle rosters even though he knew about all the problems going on with his personal life.

I again asked Officer Pennington about his understanding when submitting time off related to his military training and what he thought using the title of "military or drill" would do in granting that time off. Officer Pennington again said that he assumed that when he provided the training dates to the department that he would get those days off. He said he didn't know that submitting it in PlanIt and titling it "military or drill" that it would automatically give him the time off. He said in hindsight because of the "transition period" there was probably situations where he didn't need to go down to San Diego and he could have stayed here and worked.

I asked him about the conversations he had with Lt. [REDACTED] regarding his military time off and how Lt. [REDACTED] told me that he had explained to him that all his military time that he submitted would be approved, regardless of what time bank he was using. Officer Pennington said that the conversations he had with Lt. [REDACTED] did not explain to him that by titling his time off "military or drill" in PlanIt meant that he automatically was guaranteed the time off.



Officer Pennington said that during this "transition period" he would have been more than willing to come in and help if we were in a jam and somebody was going to get ordered in. I told Officer Pennington that unfortunately, he was the only one that knew his circumstances and he never told anyone that he didn't need to be at training. He said that he recalled a conversation that he had when he only needed one day off instead of three. I told him I recalled that conversation and, in fact, put him back on the schedule the other two days. I also told him that during this conversation with him he never explained all this "transition period" and the fact that he didn't have to be at training. Officer Pennington said that based on his experience with the City of Clovis, the association, and Lt. [REDACTED], regarding his military time off, he didn't want anyone questioning his future military trainings and asking if he really needed to attend his training.

#### **[REDACTED] (Criminal Interview)**

On 3/20/13, Detective [REDACTED] and Sergeant [REDACTED] met with the Complainant/CV1 [REDACTED] at the Clovis Police Department. Detective [REDACTED] and Sergeant [REDACTED] interviewed [REDACTED] regarding the criminal portion of this investigation involving the domestic violence allegations. This is [REDACTED] summarized statement (See Detective [REDACTED] criminal report under case #13-4197 for details). This report was transcribed in its entirety and is attached to this report.

[REDACTED] said that she met Officer Pennington while he was "on-duty." [REDACTED] said that she was hanging out with a female friend when her friend received a call from Officer Pennington. [REDACTED] said that her friend's boyfriend was being investigated at the time for stealing tailgates. [REDACTED] said that Officer Pennington came and picked them up and took them home. Irby said that this happened sometime in April of 2012.

[REDACTED] said after that they started to "hang out" and started a relationship. [REDACTED] said that she later found out that Officer Pennington was married and had lied to her. Officer Pennington told her that he was divorced.

████ said that she was able to find out through public records that Officer Pennington was not divorced. Officer Pennington told her that the paperwork had been filed. █████ also said that Officer Pennington had told her that he had cheated on his wife several times throughout their relationship and she was worried that Officer Pennington might do the same to her. Because of this, █████ said that she never trusted him and they were always arguing. The arguments slowly progressed from verbal to physical. █████ said that at one point Officer Pennington dragged her through the living room by her hair.

Detective █████ asked █████ to tell him about the first incident where the argument changed from verbal to physical. █████ said it was sometime around July of 2012, on a Monday or Tuesday, at around 0900 hours to 1000 hours. █████ said that she found out that Officer Pennington had "cheated" on her with the same girl that he had cheated on his wife with. █████ said that the girl had called his cell phone and she was in possession of it at the time. █████ said that Officer Pennington was "attacking" her trying to get the phone away from her. █████ said that she held on to it and they somehow ended up in the kitchen. Officer Pennington then grabbed her and threw her onto the floor. █████ said she still had the phone and was holding it underneath her body. █████ described that at this point she was lying on her stomach with the phone in her hands and underneath her chest area. Officer Pennington was still trying to get the phone from █████, but could not. █████ said that Officer Pennington started to "head butt" her on the back. █████ said that it hurt so bad and "took her breath away," so she dropped the phone. █████ said that Officer Pennington "head butted" her two times. █████ said that she also suffered an open wound on her right hand. █████ said it was caused by the wrestling around on the carpet or rug. █████ said she now has a scar on her hand from this.

████ said Officer Pennington then picked up the phone and ran out with it. █████ said that Officer Pennington's 2 year old child was home at the time of this incident and witnessed it. She said that the child was screaming the whole time. █████ child was not home at the time. █████ said she left the house that day and either drove around or went to her father's house. She returned to the house sometime later that night.

████ said she broke up with Officer Pennington at that point. The following day, Officer Pennington came to the house while he was on-duty and begged her back. They ended up getting back together.

Detective █████ asked █████ if she called the Police at the time of this incident. █████ said that she did, but she believes that the call did not connect. █████ said that was another reason why Officer Pennington was trying to get the phone away from her because he started "bawling" and telling her that she was going to make him lose his job. █████ said she thinks that she hung up the phone because of this.

████ said after that incident, every time they got into an argument she would try to leave before it escalated back to that point. The problem was that Officer Pennington would not let her leave. Detective █████ asked █████ to clarify. █████ said that she would try and run to the door to leave the house, but Officer Pennington would run to the door first, push it closed, and then lock it so that she couldn't leave. █████ said that it would scare her. █████ estimated that this happened four different times. █████ said that the first couple of times it happened she wasn't too concerned about it, but the last two times she was really afraid of what was going to happen.

Detective █████ asked █████ to tell of another time when something happened. Irby said sometime around summer of 2012 at night Officer Pennington was "going crazy" in the house. █████ said she didn't remember what the argument was about. Officer Pennington was yelling and trying to keep █████ in the house and prevent her from leaving again. Officer Pennington then started pushing things off of the tops of dressers and flipping over the bed. █████ said that while Officer Pennington was doing that, she was able to run out of the house. Officer Pennington ran after her and chased her half way down the street. █████ said that Officer Pennington then stopped. She believed it was because he realized that he was in public.

████ said she went and hid in the neighborhood. Officer Pennington got in his truck and started to look for her. █████ said that

she ended up at a neighborhood park. [REDACTED] friend, (IP) [REDACTED] lived across the street from this park and she could see that another one of her friend's, (IP) [REDACTED], truck was also there. [REDACTED] said she texted [REDACTED] and confirmed that he was there. [REDACTED] asked her where she was. [REDACTED] told him that she was at the park across the street. [REDACTED] walked outside and met with her. He then invited her inside. [REDACTED] said she told him everything about what was going on. (IP) [REDACTED] was also there at the time. They told [REDACTED] not to go back home and that she should stay with them.

[REDACTED] said they "hung out" for a while. [REDACTED] said that she could see that Officer Pennington was still driving around the neighborhood looking for her. [REDACTED] said they then turned off the lights to the house so that Officer Pennington would not think she was there. It didn't work because Officer Pennington came to the front door and started "banging" on it. [REDACTED] said that [REDACTED] father went to the door and started yelling at Officer Pennington. Officer Pennington then yelled back at [REDACTED] father and told him that he knew that [REDACTED] was in the house and that he better let her out or let him come in. [REDACTED] said that Officer Pennington threatened to have his "cop buddies" come over. [REDACTED] father told Officer Pennington that [REDACTED] was not there and told him that he needed to leave. Officer Pennington finally left.

[REDACTED] said that Officer Pennington was "blowing up" her cell phone. Officer Pennington was calling and texting her. [REDACTED] said Officer Pennington eventually came back to the residence again. [REDACTED] father answered the door again. [REDACTED] said at this point she agreed to go back with him home because he would just not leave. [REDACTED] told Officer Pennington that she didn't want to argue with him anymore or fight, but when they got home it started all over again. [REDACTED] said that she ended up sleeping in her car that night.

Detective [REDACTED] asked [REDACTED] if Officer Pennington put his hands on her at all during this incident. [REDACTED] said that he did not. [REDACTED] said that Officer Pennington would not let her leave though. Detective [REDACTED] asked her what she meant. [REDACTED] said that she would try to go to the door to leave and Officer Pennington would sort of push her away from it.

Detective [REDACTED] asked [REDACTED] if she called the Police at any time during this incident. [REDACTED] said they had discussed it, but said that it would just be one of his friends that showed up and it would be pointless. So they decided against it.

Detective [REDACTED] asked how this incident was resolved. [REDACTED] said that through talking, she went back voluntarily.

Detective [REDACTED] asked [REDACTED] about any other events. [REDACTED] said it was a couple of days prior to New Year's Eve. [REDACTED] said she had always had a feeling that Officer Pennington had gone down to San Diego with another girl during the time when they first started dating. Officer Pennington finally admitted to her that he did go there with other people and not for military purposes. [REDACTED] said that they argued over this. [REDACTED] said that she doesn't remember exactly what happened, but she ended up getting huge bruises from Officer Pennington grabbing her arms. [REDACTED] said she would try to leave again, but Officer Pennington would pick her up and throw her down onto the bed or the ground. [REDACTED] guessed that this happened approximately three times. [REDACTED] was trying to fight him off each time. [REDACTED] said that Officer Pennington was throwing her around like a "rag doll." At one point, they were wrestling on the ground while she was trying to get away from him. [REDACTED] stood up and Officer Pennington kicked her on her right thigh area. [REDACTED] said the kick was so hard that she thought her leg was broken and took her breath away. [REDACTED] said she was bawling hysterically.

[REDACTED] said she took pictures of the bruises with her phone, emailed them to herself, and then erased them off of the phone. [REDACTED] said that for some reason the pictures did not come across in her email though. [REDACTED] said that she had specifically tried to hide the photos and may have apparently hid them too well because she could not find them now. Detective [REDACTED] asked [REDACTED] why she was trying to hide the photos. [REDACTED] said it was because if Officer Pennington saw that she had taken photos of the bruises, he would be mad. Officer Pennington would routinely go through her cell phone and would have seen the photos.

[REDACTED] said that the only photos that she could find were from a "job" that they did on New Year's Eve, but she had put makeup all

over her arms so that people would not be able to see the bruises. ■■■ said that she does think that there are some close up photos in which you still can see the bruises. ■■■ said that everyone at her work saw the bruises and asked her about them.

Detective ■■■ asked Irby if she had any of the photos with her. ■■■ said she did not. She said that she would try and get someone from her work to send her more of those pictures, which in turn she would send them to me. Detective ■■■ asked ■■■ if she had taken those original photos with her current cell phone. ■■■ told me that she had taken them with a different cell phone, but that she had already turned in the cell phone to the Clovis Police Department. (Detective ■■■ later found out that it was turned in related to the internal affairs investigation.)

Detective ■■■ asked how that incident ended. ■■■ said that she really didn't remember. ■■■ thought that maybe Officer Pennington left that night. She said the next day was the day that they had to do the "New Year's Eve job." They didn't talk much all day. ■■■ said that they "went through the motions" and did the job. ■■■ said she thought at that time that their relationship was coming to an end, but she later said that it seemed like they were going to make up again.

Detective ■■■ asked ■■■ if she ever called the Police during that incident. ■■■ said she did not. Detective ■■■ asked ■■■ why she didn't. ■■■ said she didn't because of his "job." Detective ■■■ asked what she meant by that. ■■■ said that Officer Pennington would always tell her that she shouldn't call the Police because he would lose his job over it.

Detective ■■■ asked ■■■ if there were any more incidents to report. ■■■ said there was another time where she had actually moved out of the residence around the end of January of 2013. ■■■ said that she moved out and they had broken off their relationship. Officer Pennington kept calling her and "harassing" her trying to get back together with her. Officer Pennington would show up to her work and school unannounced. Officer Pennington also left notes on her car. ■■■ said that the notes were not threatening, just "bugging" about getting back together.

Officer Pennington asked her for her current address during a phone conversation under the guise that he was going to help her move some furniture. ■■■ said this was around 0200 hours. She sent him the address. Officer Pennington then told her that he was coming over now. ■■■ told Officer Pennington that she didn't want him coming over if it was just going to lead into another argument. Officer Pennington showed up a little while later.

■■■ said that Officer Pennington was trying to "sweet talk her" and tried to get back together with her. Officer Pennington then took her phone and laptop computer and started to look through them. ■■■ said that Officer Pennington was trying to see if she had been talking to anyone new. ■■■ tried to get the computer back from Officer Pennington and was able to shortly after. ■■■ ran into her bedroom with the computer and tried to lock her bedroom door. ■■■ told Officer Pennington that he needed to leave. Officer Pennington was able to get to her and started grabbing her. ■■■ said they then wrestled around as she was trying to get away from him. Officer Pennington then grabbed her by the hair and almost pushed her down the stairs. ■■■ said she was able to make it downstairs, but Officer Pennington then pushed her up against the wall and grabbed her by the face. Officer Pennington screamed at her, telling her that it was her fault that the relationship ended.

■■■ said then somehow they got back upstairs together and Officer Pennington started to get really "weird" with her. ■■■ said that Officer Pennington started to try and have sex with her. ■■■ said that Officer Pennington was acting like nothing ever happened and started to "force" her clothes off. ■■■ said that she was in her pajamas. Officer Pennington ripped her pajama bottoms trying to take her clothes off of her. The rip was on the inseam area. ■■■ said that if it had continued, it would have been considered rape. ■■■ said that Officer Pennington got her pants off to her knees. She was able to kick him off and kept telling him to stop. ■■■ said that she could tell that Officer Pennington had an erection and unbuttoned his pants a little. Officer Pennington then stopped. Detective ■■■ asked ■■■ why Officer Pennington stopped. ■■■ said that she thinks that Officer Pennington finally understood at that point that they were not going to get back together.

Detective [REDACTED] asked [REDACTED] if there was any alcohol involved that night. [REDACTED] initially said no, but then said that Officer Pennington did smell like he had been drinking. Detective [REDACTED] asked [REDACTED] if she called the Police at that time. She said she did not. She said it did cross her mind because they were out in the "middle of nowhere" and she was alone with him. [REDACTED] said she was scared. [REDACTED] said that there was also no cell service at that location.

Sgt. [REDACTED] asked about the ripped pajama bottoms. [REDACTED] said she still had them at her house.

Detective [REDACTED] asked if there were any more incidents after that. [REDACTED] spoke about another incident that occurred on 02-04-13 at approximately 1300 hours. Officer Pennington invited her over to talk and "hang out." [REDACTED] said that this was approximately one week after the last incident.

[REDACTED] said she noticed that the bedroom that their children used to share had the door shut. [REDACTED] said she knew that one of Officer Pennington's friends was staying there with him. [REDACTED] asked Officer Pennington if his friend was now living with him. Officer Pennington told her that he only stayed there from time to time. [REDACTED] then opened the door to the bedroom and saw that all of the friend's stuff was now inside. [REDACTED] said that she and Officer Pennington got into an argument over the fact that he was still lying to her. [REDACTED] said she got mad and left the house.

[REDACTED] said that Officer Pennington texted her several times and she eventually came back to the house. [REDACTED] said that she had decided that she needed to get all of her things and get out of that house. [REDACTED] said it was around 1400 hours when she went back. [REDACTED] said she started to take some of her things when Officer Pennington got really mad. They argued over who the property belonged to. Officer Pennington then "lost it." Officer Pennington picked her up and threw her onto the hardwood floor. [REDACTED] said that she landed on her elbow. She said she landed so hard that she thought that she broke it. Officer Pennington then grabbed [REDACTED] by the hair and dragged her across the entire width of the room. [REDACTED] said she took out her phone and tried to call 911. [REDACTED] said that she at least wanted



someone to hear what was going on so that someone would believe her. Officer Pennington grabbed the phone out of her hand and hung it up. Officer Pennington then started screaming at her telling her that she was going to make him lose his job. ■■■ said the wrestling was still going on and she tried to call 911 again. Officer Pennington again took the phone out of her hand and hung it up. ■■■ said that the phone never connected to 911.

■■■ pulled out her cell phone and told me that she still had a record of this. She looked it up and showed me. Detective ■■■ saw that there were two calls made to 911 on 02-04-13 at 1450 hours and 1458 hours.

■■■ said that prior to this happening, she had fallen while riding her dirt bike and her right side was already injured. Officer Pennington told her while she was trying to call the Police that he was going to tell them that the injuries were from that and not from him. Officer Pennington told her that the Police would not believe her.

■■■ said it ended when she was crying and Officer Pennington picked her up and sat her on the couch and tried to talk to her. ■■■ friend then came home and the whole thing deescalated. ■■■ said that once the friend got there, Officer Pennington's whole demeanor changed to more like "I will help you get your things so you can leave" instead of trying to get back together with her. ■■■ said that upset her because she believed that Officer Pennington didn't want his friend to know that he was trying to get back together with her. ■■■ walked to the bedroom and locked the door behind her. Officer Pennington then came and completely broke the door down. ■■■ said the door snapped into pieces because he just ran right through it.

Detective ■■■ asked what Officer Pennington's friend was doing at this point. ■■■ said that he really didn't say or do much. He went to his room and shut the door.

Officer Pennington then told ■■■ to leave and get out of the house. ■■■ said that Officer Pennington was trying to make her look like the crazy person in front of his friend. ■■■ said she went outside and waited in her car for her father to show up. ■■■ had already

called her father to meet her there so that he could help her move some of the big items. Once her father arrived, she moved some things into his truck and then they left. ■■■ said that she did not tell her father about what had happened.

Detective ■■■ asked ■■■ if there were any more incidents. ■■■ said that later that same night, they talked again trying to work things out. The next day, ■■■ said that she came to town to go to school and happened to see Officer Pennington with another girl at a restaurant. That was the last time she really talked to Officer Pennington.

Detective ■■■ asked ■■■ why she kept going back to Officer Pennington if these things were happening. ■■■ said she had no idea. She said she loved him.

Detective ■■■ asked ■■■ if she had been involved in any prior relationships that were "physical." ■■■ said that she had. ■■■ said that her son's father, (IP) ■■■, was like that too. Detective ■■■ asked how their relationship was now. ■■■ said that it was "hit and miss." ■■■ explained that she was in the middle of a custody battle with him.

Detective ■■■ asked ■■■ when she reported this to the Clovis Police Department. She said it was around 02-18-13, or somewhere close to there. Detective ■■■ asked ■■■ what made her wait so long to finally report this. ■■■ said she wasn't really looking to pursue criminal charges. She reported it more so because of the fact that Officer Pennington was such a dishonest person. ■■■ said that because if Officer Pennington was this dishonest in his personal life, what must he be lying about in his professional life?

Detective ■■■ asked ■■■ if she wanted to pursue charges now. ■■■ said she was involved in something like this with ■■■ and nothing ever happened. The case was dropped because it was all "he said, she said." ■■■ seemed discouraged because of this. Detective ■■■ again asked her if she wanted to pursue charges now. ■■■ answered, "If I can, yeah."

Detective [REDACTED] left the room and [REDACTED] was in for several minutes. When Detective [REDACTED] returned, [REDACTED] said that she was thinking about what Detective [REDACTED] had asked her. Why did she keep going back? [REDACTED] said she thinks it was because her mother moved to Oregon and it was that she wasn't able to afford a large enough place for her and her son at the time.

Detective [REDACTED] asked [REDACTED] if he could also examine the phone that she had given to the internal affair investigators for the possible photos that she took. [REDACTED] said that he could.

I asked Irby what she thought Officer Pennington was going to tell me when I spoke with him. [REDACTED] said that if Officer Pennington denies it, he will say that she is making this up or make it seem like she was the one attacking him.

Detective [REDACTED] asked [REDACTED] if there was ever a point or event in which she was the aggressor. [REDACTED] said that during their last argument she felt like she was the aggressor; not physically but more as the one who provoked the argument in the first place. I asked [REDACTED] about being the physical aggressor. [REDACTED] said that she may have pushed Officer Pennington away or tried to get him out of the way while going to the door, but that was about it.

[REDACTED] then told me that there was one more issue that she had not mentioned. [REDACTED] explained that during their relationship, whenever they "fought" they usually made up and had sex afterwards. [REDACTED] said that toward the end of the relationship, Officer Pennington was starting to become extremely forceful. [REDACTED] explained the Officer Pennington wouldn't want to have sex the "normal way," but instead wanted to do it anally. [REDACTED] went on to tell me that there was one time when they were arguing and after they made up, Officer Pennington went on to do the same thing. [REDACTED] said it was sometime late in December and during the night. [REDACTED] explained that she felt like he was punishing her for the argument and she had to pay by sex. Detective [REDACTED] asked more clarifying questions. [REDACTED] said that during consensual sex, Officer Pennington turned her over and tried to put his penis in her anus. [REDACTED] said that she told him no. Officer Pennington then told her something along the lines of "she was going to pay for something that she had done." Officer Pennington then

forced his penis into her anus. [REDACTED] said she started crying hysterically because she did not want that. [REDACTED] said she again told Officer Pennington to stop, but he just kept going. Detective [REDACTED] asked how long this lasted. [REDACTED] guessed that it went on for about a minute. [REDACTED] said she was trying to crawl away from him, but Officer Pennington would hold on to her. Detective [REDACTED] asked what happened when it was over. [REDACTED] said that she was crying and told him that it hurt. Officer Pennington really didn't say anything, but then said, "Okay, well then get back over here and we'll do it normal." [REDACTED] said she then stopped crying after a bit and just laid down with him in their bed.

Detective [REDACTED] asked [REDACTED] if she felt this was done against her will. Detective [REDACTED] asked [REDACTED] to think back at that time and asked if she thought in her mind that this was more of a rape situation or a situation where it went a little too far. [REDACTED] said it was a little bit of both.

#### **[REDACTED] (Administrative Interview #1)**

On March 08, 2013 Sergeant [REDACTED] and I contacted [REDACTED] the ex-girlfriend of Officer Pennington at the Clovis Police Department. [REDACTED] had previously submitted a typed complaint to the Chief of Police on March 05, 2013 regarding allegations of domestic violence and inappropriate behavior by Officer Pennington. This is [REDACTED] summarized statement. This report was transcribed in its entirety and is attached to this report.

[REDACTED] confirmed she and Officer Pennington met in April 2012 and had been living together at [REDACTED] Clovis, Ca. since August 2012. Officer Pennington was working an investigation pertaining to a tailgate theft and he was contacting her friend ([REDACTED]) because her boyfriend ([REDACTED]) was possibly an involved suspect. [REDACTED] answered her friend's cell phone and spoke to Officer Pennington briefly. This all occurred when she was at Neighbors Bar and Grill.

Later in the evening Officer Pennington met up with [REDACTED] friend ([REDACTED]) in the parking lot of Jimbo's. He obtained her

statement regarding the tailgate theft and this was when [REDACTED] first met him. Officer Pennington gave both girls a ride home that night in his marked patrol. She recalls him telling them to be quiet so no one could hear or see them. After this incident she and Officer Pennington started hanging out and their relationship developed.

Officer Pennington gave [REDACTED] and her friend another ride home from Clovis after they had been downtown Clovis drinking. She specifically remembers meeting him behind Kimmi's bar area because he said the police cameras wouldn't be able to see him.

[REDACTED] recalls another incident where he left the city limits to pick her and a friend up in the City of Fresno near (Nees/Blackstone Ave). When they drove back to the City of Clovis he was driving at a high rate of speed approximately 120 miles per hour.

[REDACTED] said while she dated him he would constantly send her text messages while working. She would receive these from his personal cell phone and his work cell phone. She said when they were together he would come over to her parents residence at [REDACTED] and they would have sex or oral sex. This occurred almost every time he worked. Many times he would only take his uniform off partially. She did recall one incident where he received a call and he had to get dressed and leave. They also fooled around while in his patrol vehicle while she would be on a ride-along. [REDACTED] recalls going on two ride-alongs with Officer Pennington. They would kiss and he would want her to touch him.

[REDACTED] mother ([REDACTED]) and her step dad ([REDACTED]) had knowledge that Officer Pennington was coming over to see their daughter. He eventually moved into their residence for a few months before moving to the [REDACTED] address. While they were living together [REDACTED] saw in Officer Pennington's overnight bag, syringes and thought he was doing steroids. She saw a vile with Chinese writing all over it. She didn't ask him specifically if he was using, but he did tell her he was going to go to a doctor for human growth injections. She said he did use a testosterone gel, which was prescribed by his doctor. This doctor (unknown name) was located in the area Sunnyside and Kings Canyon, near the GB3 gym he works out at.

Once they moved in together he would occasionally come home while he was at work. They only lived together for a few months and she eventually moved out in February of 2013. She still had some personal items there, but she was staying at a different location.

█████ said at the beginning of their relationship they would go out and do normal things. Towards the end he got very controlling and didn't like her being out with her friends. █████ recalled many occasions when he would become physically abusive towards her, leaving bruises all over her body. During these fights he would verbally abuse her, pull and drag her around by her hair. She recalls an incident which occurred on February 4, 2013 they were involved in a physical disturbance. He was pushing her around and wouldn't let her leave the house. She attempted two different times to call 911, but he ripped the cell phone away from her. She said her dad (█████) was aware Officer Pennington was abusive.

█████ also referred Officer Pennington to be a "sex addict". She said he actively searched the internet for pornography and has several hard drives. She found a home video of him and a girl named █████ that he was cheating on her with. She quickly learned he was a liar and had previously cheated on his wife of twelve years with this same girl. He is still technically married and they have a son together. She and the wife stay in contact via Facebook. █████ said Officer Pennington was already dating a new girl named █████.

While they were together she recalls him only going to one military training in San Diego. He would tell her as long as he tells his work it's for military purposes, they don't question him. The one military training she did attend with him was in Dublin, Ca. for two days. He didn't attend the second day of training.

While Officer Pennington was on light duty he worked a paid detail standing as a bronze statue at the Tachi Palace Casino.

**██████████ (Administrative Interview #2)**

On March 15, 2013 at 1700 hours Sergeant ██████████ and I re- contacted ██████████ at the Clovis Police Department regarding her ex-boyfriend Officer Pennington. This is ██████████ summarized statement. This report was transcribed in its entirety and is attached to this report.

██████████ confirmed his cell phone number as (██████████) and his previous number was (██████████)

██████████ told us while he was on light duty he was doing activities that weren't consistent with his injuries. His ankle would be swollen in the morning, but throughout the day it was fine.

██████████ was asked if she wanted to pursue criminal charges against Officer Pennington regarding the domestic violence incidents she previous disclosed. ██████████ agreed and was told she would be notified by a Clovis PD detective concerning the criminal portion of this investigation.

██████████ confirmed she and Officer Pennington hadn't had sexual intercourse while inside his patrol vehicle. It was described as being more hand stuff.

██████████ made references to possible dates (April 8 or 9) that Officer Pennington picked her up from Jumbos in his patrol vehicle.

During the weekend of April 27 thru May 1 they went separately to San Diego to party with some friends/family. She remembers him being off work at Clovis Police Department for military leave. She stayed with her sister. They met one morning for breakfast and she thought his behavior was very suspicious. When she got back home she later looked at his credit card statement and noticed things like: dinner, bars, nail salons, and other places that guys wouldn't go. She figured he was cheating on her while he was there. ██████████ said he transferred military units and now completes his trainings in Dublin, Ca.

The weekend of July 13-17 she went with him to San Diego, but he never attended any military training. This was the weekend they were going to Canada for a wedding and her passport didn't come in. They took a trip back to San Diego, since he already had the time off from the Clovis Police Department.

On November 02, 2012 while he was on duty he got upset at her because she was with some friend's downtown. He showed up downtown and they got into a verbal argument while he was on duty. He somehow got off work and went to his ex-friend's house [REDACTED]. She provided us with some names of her friends who witnessed this verbal argument.

She had previously told us about a fight where she ran to a neighbor's house and he chased her half way down the street. She hid at a nearby park for approximately 5-10 minutes and he started driving around looking for her. She was able to get to a neighbor's residence and stayed with them for a while. She provided us with their information. Pennington later realized where she was located and came to that residence banging on the front door.

[REDACTED] informed us of another altercation where Officer Pennington damaged her car door by breaking off the handle. She said her son was with her when this happened. She advised he hasn't treated her son in a negative way other than occasionally bossing him around.

### **[REDACTED] (Administrative Interview #3)**

On March 20, 2013, [REDACTED] responded to the Clovis Police Department for another follow-up interview with Sergeant [REDACTED]. This is [REDACTED] summarized statement. [REDACTED] was asked what time periods she had gone on the two ride-along's with Officer Pennington. Both times she was never given or completed a ride-along waiver.

[REDACTED] confirmed the first ride-along was during the first month they met in April 2012. She remembered coming into the booking area and meeting Jail CSO-[REDACTED]. Officer Pennington picked her up both times at her parent's residence in Clovis around 2100 hours.



She never attended his briefings and thought his shift started at around 1700 or 1800 hours.

█████ thought the second ride-along was also in the Summer of June-July 2012. She had previously posted it on Facebook, that's she was going on a ride-along, but he made her delete it.

█████ confirmed during both ride-alongs they would engage in sexual activity while in his patrol vehicle. During the times he would come visit her at her parent's residence they would lean on his patrol vehicle and kiss, while in the front yard. They also would engage in sexual activity in her bedroom when he would come visit her while on duty.

█████ provided Sergeant █████ photos regarding the paid event at the Tachi Palace Hotel and Casino during New Years.

█████ also informed Sergeant █████ that she was unable to obtain █████ DOB: █████ telephone number. They just chatted over Facebook, and he wouldn't provide her with his contact information.

█████ mentioned she and Officer Pennington's ex-wife are friends with each other on Facebook and they have discussed how he cheated on both of them. █████ said his ex-wife denies being a victim of any domestic violence.

█████

On 4/25/13 I met Corporal █████ at the Clovis Police Department. I provided him with the "Witness Admonishment Form" which he stated he understood and signed the form. This is █████'s summarized statement. Corporal █████ and Sergeant █████ were the P-Shift Supervisors during January-July 2012. Officer Pennington was working this specific patrol shift during this time.

█████ doesn't recall Officer Pennington having any ride-alongs during this time frame. It was common practice and policy that officers would ask their supervisor's permission to have a ride-

along. If it was approved they would complete a permission form, which would be signed by their current supervisor.

██████████ was then asked if Officer Pennington ever received permission to leave the City of Clovis while on patrol and go into Fresno to pick up a subject. He didn't recall ever giving Officer Pennington permission to do this while being his shift supervisor.

██████████

On 4/18/13 I met Sergeant ██████████ at the Clovis Police Department. I provided him with the "Witness Admonishment Form" which he stated he understood and signed the form. This is ██████████ summarized statement. Sergeant ██████████ and Sergeant ██████████ were the P-Shift Supervisors during January -July 2012. Officer Pennington was working this specific patrol shift during this time.

██████████ was asked if he recalls Officer Pennington ever asking if his girlfriend could go on a ride-along while on duty. He didn't recall a girlfriend specifically and said officers would complete a permission form, which then would be approved by him. This was his standard procedure for ride-alongs during his patrol shift.

██████████ was then asked if Officer Pennington ever requested to leave the City of Clovis to pick up a subject who needed a ride. ██████████ didn't recall ever giving Officer Pennington permission to do this while being his shift supervisor.

██████████

On 4/8/13, I met Lieutenant ██████████ at the Clovis Police Department. I provided him with the "Witness Admonishment Form" which he stated he understood and signed the form. This is Lt. ██████████ summarized statement. Lieutenant ██████████ was contacted regarding Officer Pennington's military time off. ██████████ was the Lieutenant that oversaw the weekend shift, dating back a year ago, if not longer.

Officer Pennington and Lt. ██████████ had numerous conversations and emails regarding his prior military service and benefits. Officer

Pennington would discuss with Lt. [REDACTED] his military drill dates/times he needed to attend. Last Summer and Fall Lt. [REDACTED] informed Officer Pennington he needed to submit his dates for military drill in a timely fashion to get him on the patrol schedule to staff patrol. It was explained to him that turning these dates in late could result in an officer being ordered in or an extra-board to cover his assigned patrol shift, because his military time off could not be denied.

Officer Pennington received 240 hours for military time and it was always approved. His hours started adding up because he was working a weekend 12.5 patrol shift. Once this time was exhausted Officer Pennington had to burn his own time. Officer Pennington told Lt. [REDACTED] he had different banks he could draw from. There was no misunderstanding regarding his time off. Lt. [REDACTED] said he told Officer Pennington that we as a Department would not deny his military time off. Officer Pennington would provide his dates and the type of training he needed to attend. He knew Lt. [REDACTED] would approve it in Plan-it. Everything Officer Pennington submitted was previously discussed with Lt. [REDACTED]; submitting his time off was just record keeping. Lt. [REDACTED] said Officer Pennington wasn't asking him for the time off, he was telling him what days he needed. Lt. [REDACTED] told Officer Pennington the police department would have to accommodate his military time off.

[REDACTED]

On April 9, 2013, Sergeant [REDACTED] and I contacted [REDACTED] at the Clovis Police Department regarding Officer Pennington renting a residence, which she manages. This is [REDACTED]'s summarized statement. [REDACTED] explained she manages the property located at [REDACTED] where Officer Pennington currently resides at. She advised us of many issues she has been currently having with him.

Officer Pennington informed [REDACTED] via telephone on March 28, 2013 that his divorce was final and he wanted to take possession of his home in Sanger, Ca. Officer Pennington wanted to get out of his current lease agreement and was on recently placed on administrative leave, because [REDACTED] had filed a complaint against him.

On March 07, 2013, [REDACTED] completed a six month walk through of the property and immediately noticed new locks on the residence. Officer Pennington changed the locks to this residence without permission from [REDACTED] and illegally locked [REDACTED] out. She informed him that he needed to provide her a key and had 15 days to comply.

On March 16, 2013, she mailed Officer Pennington a letter regarding his negotiation of the lease agreement. Officer Pennington never received this information.

On April 01, 2013, [REDACTED] contacted [REDACTED] via telephone and told her she left out of fear in January 2013 and is currently staying with her father. [REDACTED] told her Officer Pennington already has a new girlfriend staying with him. [REDACTED] had knowledge that she was locked out of this residence, but never notified her at that time. [REDACTED] said she still has items inside this residence and Officer Pennington had vandalized some property. When [REDACTED] completed her six month walk through, she didn't see any noticeable damage to any property.

Shortly after [REDACTED] sent Officer Pennington a text and he never responded. She then left him a message saying she gave [REDACTED] a new key. She said he called immediately was a very upset. [REDACTED] informed him that he can't legally lock [REDACTED] out of this residence because she was still on the lease agreement. He felt his child was in danger and his property.

[REDACTED] feels threatened and intimidated by Officer Pennington's behavior and believes he is very controlling and wants everything done his way. She feels he doesn't follow rules and doesn't feel he has too. [REDACTED] is concerned because he is a police officer, military officer, and should display a different demeanor because of his positions. Officer Pennington now acts like he is on notice and is acting normal towards her.

[REDACTED]

On 4/9/13 Sergeant [REDACTED] and I contacted Mrs. [REDACTED] via telephone regarding her daughter [REDACTED] involvement with her ex- boyfriend Kyle Pennington. This is [REDACTED]

summarized statement. [REDACTED] stated she currently resides in Portland, Oregon and moved from her residence located at [REDACTED] [REDACTED] in October of 2012.

[REDACTED] said she first met Officer Pennington when he was on duty, visiting her daughter [REDACTED] in the front yard of her residence. Officer Pennington would spend 2 or 3 hours outside talking to [REDACTED] while on duty. This would occur at all hours of the day and quite frequently, until he moved in. Officer Pennington would come into the house and go straight into [REDACTED] bedroom. She knew it was Officer Pennington because she could hear his police radio. He would be in the room for hours. She believes they were having sex, but since her daughter was a grown woman, she didn't ask any questions.

Officer Pennington told [REDACTED] he had recently separated from his wife, so they allowed him to stay at their residence. He didn't pay them rent and stayed in [REDACTED] bedroom.

[REDACTED] thought Officer Pennington took lot of time off work and was around [REDACTED] a lot. When she questioned him about having so much time off from the police department, his response didn't make sense to her. Officer Pennington told her he was in the Army and was given so many days per year for military time. The police department was very lenient with active military members and when he needed time off, it was granted. Plus he was switching military units, so he was granted more time to take off.

I asked [REDACTED] if Officer Pennington and her daughter went out of town a lot. She said they went to San Diego, Ca. a couple of times. In June they went for his athletic competition- Police Olympics- and then another time to visit her other daughter who lives there.

I asked [REDACTED] if Officer Pennington and [REDACTED] ever were involved in physical disturbances. She did recall a verbal argument, while they were both inside [REDACTED] bedroom. She felt Officer Pennington was berating [REDACTED] and it upset her. The yelling woke her up, so she knocked on [REDACTED] door to quiet them down. [REDACTED] never disclosed to her mother about any physical abuse. [REDACTED] did say [REDACTED] could've possibly told her father, since she was closer to him.

I asked [REDACTED] if she ever noticed any suspicious pill bottles or syringes in her daughter's bathroom. She replied "no." She seems to think Officer Pennington was possibly using steroids because of how much larger he is now, than before.

[REDACTED] saw Officer Pennington for the last time on October 05, 2012. He had brought [REDACTED] son [REDACTED] over to say goodbye.

[REDACTED]

On 3/27/13, I Sergeant [REDACTED] met Captain [REDACTED] at the Clovis Police Department. I provided him with the "Witness Admonishment Form" which he stated he understood and signed the form. This is Captain [REDACTED] summarized statement. He said that he spoke to Master Sergeant [REDACTED] who was assigned to the same unit the Officer Pennington. Captain [REDACTED] said the conversation was regarding the training that Officer Pennington had attended specifically January through September 2012. He said that he actually didn't have any records on his computer due to some issues he had with his computer. Captain [REDACTED] said that Sgt. [REDACTED] looked at his emails and remembered that when Officer Pennington was in San Diego he would communicate with him via email. Captain [REDACTED] said Sgt. [REDACTED] told him that the last email exchanges with Officer Pennington that he found were for April. Sgt. [REDACTED] told Captain [REDACTED] that he believed that was the last time he had seen Officer Pennington at training in San Diego. Capt. [REDACTED] said that he remembers seeing Officer Pennington again during the time of the Police Olympics and that during that time he also attended his (Sgt. [REDACTED]) bachelor's party, which was in June.

Capt. [REDACTED] said that he was sent some training documents that Sgt. [REDACTED] had forwarded him from someone else. Capt. [REDACTED] said he asked Officer Pennington's representative that he needed a contact person to who his supervisor was and what specific unit he belonged to. He said that he was part of the 416<sup>th</sup> Civil Affairs Battalion Airborne Unit 2, in San Diego and provided a phone number of [REDACTED] and the name [REDACTED] as the contact person for

( this unit. He said he later found out that Sergeant First Class [REDACTED] worked for Sgt. [REDACTED] in this Unit.

Capt. [REDACTED] said he had not spoken to anyone other than Sgt. [REDACTED] from this Unit. Capt. [REDACTED] said that Sgt. [REDACTED] told him that he had received some training documents from Sgt 1<sup>st</sup> Class [REDACTED] that should list certain training dates for Officer Pennington going back for the months of June, July, August and September. He asked if he could send him these documents, which he did via email. Capt. [REDACTED] said once he received the documents he found some discrepancies with the documents, which he discussed with Sgt. [REDACTED]. Sgt. [REDACTED] said that he would look into these discrepancies and get back to him.

[REDACTED]

On 4/2/13, Captain [REDACTED] and Sergeant [REDACTED] met with Sergeant First Class [REDACTED] at the 416<sup>th</sup> Civil Affairs Battalion (Airborne) located at 11620 Sorrento Valley Road in San Diego to discuss Officer Pennington's military training records. This is SFC [REDACTED] summarized statement. This report was transcribed in its entirety and is attached to this report.

SFC [REDACTED] confirmed Officer Pennington was a Company Commander for the Delta Company while in the military. When he transferred to his new unit [REDACTED] replaced him.

SFC [REDACTED] advised that approximately one week ago he received a telephone call from Officer Pennington who informed him of the Internal Affairs Investigation he was involved in. He had knowledge that his ex-girlfriend reported domestic violence. Officer Pennington had asked him if he could email and sign off on some of his RST work forms. He needed these to prove he attended military training. Without any hesitation SFC [REDACTED] signed and backdated them as he received them from Officer Pennington. SFC [REDACTED] said he didn't realize it was a big deal and now he does because all Pennington's training dates aren't matching. He believed Officer Pennington's word and only paid attention to the comment area. He didn't want to question a Commander (Officer Pennington).

SFC ■ said Officer Pennington only drills for retirement points, because he already had enough time for the year. It is illegal to double dip from the Veterans. He had previously gone to schools earlier in the year that covered his time.

SFC ■ said Officer Pennington's status was popping up red in his computer and he needed to complete his PT test- height/weight. Officer Pennington was coming to the San Diego area in June while he was participating in the Police and Fire games and would take care of it then. On June 14, 2012 he completed his height and weight, but no PT test and turned in a support form for a half day's pay. SFC ■ remembers Officer Pennington was in pain and beat up from the police games. He said Officer Pennington brought his girlfriend or a girl with him.

SFC ■ couldn't recall any other dates Officer Pennington was present during training. He did say that all soldiers have thirteen different mandatory online training courses that need to be completed to stay current for 2012. Because Officer Pennington was a Commander for the military he had a common access card reader which provided him access to complete these courses from home. He doesn't know when he completed these online training courses. SFC ■ said that he encourages all his soldiers to do their required online training from home whenever possible so they have more time to dedicate on active outside training.

Officer Pennington was reassigned to his new unit effective September 24, 2012. His new unit would have access to retrieve all of his previous dates/times to verify if he was present. ■ said he was very active in 2010-2011 and the first part of 2012. Pennington hasn't been active at any military training since April 2012, because of his transfer to his new unit.

SFC ■ confirmed some of the training dates involving Officer Pennington's activity:

- Feb 2012 up to April 2012- Excused
- May 18,19,20- Excused
- June- July Training- Excused



- June 14- PT test for height/weight (attended)
- June 23-24 Recon training and training coordination at Camp Pendleton (Only if he was there he would've turned in paperwork)- No paperwork provided
- July 28-29, 2012 (No record)
- September 15-16- Missed training date (Requested his make-up to be the same weekend)- paperwork incorrect
- October dates filled out incorrectly

SFC [REDACTED] said because of this Internal Affairs Investigation it was hard for him to believe that Officer Pennington would make this up. He was very surprised he did this. SFC [REDACTED] confirmed Officer Pennington didn't submit any 1380 forms during this timeframe for points. Captain Gentry explained to him once again that if a soldier doesn't attend military training you have no forms to complete.

[REDACTED]

On 4/9/13, Sergeant [REDACTED] and I contacted Colonel [REDACTED] via telephone regarding Kyle Pennington attending any Military Training in San Diego, Ca. This is Colonel [REDACTED] summarized statement. Colonel [REDACTED] indicated that he was the Commanding Officer from November 2009 to November 2012. He was in charge of Officer Pennington's unit 416 Civil Affairs Battalion Airborne.

Colonel [REDACTED] said Officer Pennington's involvement with 2012 training with this unit was none. Officer Pennington never attended the annual training scheduled in July in San Diego because he was no longer participating in this unit. Officer Pennington had previously requested to change units because he couldn't afford the commute. Colonel [REDACTED] said Officer Pennington was placed on a hold status with excused absence and didn't have to attend any required military training. He was waiting for him to be dropped off their record books.

All of Officer Pennington's military training would've been checked by Colonel [REDACTED], which never happened. Since Officer

Pennington's status was on hold, he was replaced by Captain [REDACTED]. Colonel [REDACTED] said Officer Pennington never sent a Request for Rescheduled Training (RST) form to him in 2012 because it would've been a signed document. He stated First Class Officer [REDACTED] provided Officer Pennington an RST form, but if they didn't have his signature they weren't valid. When these forms aren't valid, the Military Reservists don't get paid for their time. Colonel [REDACTED] also said Military Reservists submit a Record of Individual Performance of Reserve Duty Training (US Army form 1380) which is used for military pay action or points added for their retirement. Officer Pennington only submitted one of these forms in June 2012.

[REDACTED]

On 3/25/13, I Sergeant [REDACTED] met Officer [REDACTED] at the Clovis Police Department. I provided him with the "Witness Admonishment Form" which he stated he understood and signed the form. This is [REDACTED] summarized statement. I asked Officer [REDACTED] about a conversation he had with Sergeant [REDACTED] where he was out on a burglary call at [REDACTED] in Clovis, helping out a female (identified as [REDACTED]), when she mentioned she was dating an Officer. Officer [REDACTED] asked her what Police Department her boyfriend worked for and she told him Clovis PD. Officer [REDACTED] asked her what the Officer's name was that she was dating and she replied "Officer [REDACTED]." He said he found this amusing since he never met this woman before and again asked her if she was sure the Officer's name was "[REDACTED]" and she said yes. Officer [REDACTED] said he then told her that he was the only "[REDACTED]" that worked for Clovis PD. Officer [REDACTED] said she then looked at him and was stuttering with "P" and he said "Pennington," and she replied "yes."

She said that she was supposed to go to Officer Pennington's house for a Super Bowl party, but when she got home she found that her house had been burglarized. Officer [REDACTED] said he called Officer Pennington and confronted him about possibly "dropping his name" to females. He said Officer Pennington told him that he wasn't. Officer [REDACTED] said he doesn't think Officer Pennington would actually use his name to meet girls. Officers [REDACTED] said he thinks she was confused

because his name starts with the letter "P." Officer [REDACTED] said she told him that she and Officer Pennington met at a party.

[REDACTED]

On 4/8/13, Sergeant [REDACTED] and I contacted city employee [REDACTED] at the City of Clovis personnel division and met with her in her office. I provided her with the "Witness Admonishment Form" which she stated she understood and signed the form. This is [REDACTED] summarized statement. We spoke to [REDACTED] regarding conversations she had with Officer Pennington pertaining to his military time off.

[REDACTED] recalls in the late 2011-earlier 2012 year, Officer Pennington contacted her because he was concerned about utilizing his vacation and sick time for his military time off. She explained to him that all Military recipients receive, per Veterans code, 30 days every physical year. Officer Pennington had already exhausted this time. Officer Pennington knew about the Veterans code because he used it before when he was previously deployed.

Officer Pennington was concerned about utilizing his time for upcoming military trainings, which were scheduled on the weekends. [REDACTED] made the suggestion to him to utilize a different patrol shift, because it was near a new shift rotation and he had already exhausted his 30 days. She doesn't recall his response.

[REDACTED] doesn't recall having any other conversations with him regarding his time cards. The requirements for time off are granted through the employee's assigned division. All military time off was primarily granted.

## **OPINIONS AND CONCLUSIONS:**

On March 5, 2013, Complainant [REDACTED] submitted a letter to the Clovis Police Department in which she made several serious allegations against Officer Kyle Pennington. The allegations made by the complainant [REDACTED] were expressed in the letter that she wrote which stated that Officer Pennington was a dishonest person of such low integrity that she was astonished that he would be working and representing our Department. The allegations specified that Officer Pennington was taking advantage of the Clovis Police Department by taking time off from work under the guise of military training and not actually attending any training, but instead hanging out with her, going out drinking or out of town on vacation. The complainant said that during these times Officer Pennington would make comments that he needed to "lay low and stay out of Clovis" so he would not get caught while doing this.

Upon completing our investigation with regards to Officer Pennington's military training, we found that he did not attend any of the scheduled trainings for the San Diego Unit from April through September 2012. We confirmed this by Officer Pennington's own admissions, military records and witness statements. Officer Pennington put in for time off from work for this training and was getting compensated for this. Officer Pennington was in the process of changing military units and got excused from attending all military training for this time period in question. Officer Pennington had knowledge of the impact his absence was having with patrol staffing and did not make any attempt to inform his employer or supervisors of the fact that he did not have to be at training and that he could be put back on the schedule and return to work. Officer Pennington had many reasons and excuses as to why he did not return to work or inform his supervisors of the fact that he did not have to attend training. The explanations given by Officer Pennington as to what he was doing that was military related for this six month time period was so incidental that it might have accounted for maybe one weekend of this entire six month period.

Officer Pennington said that he was unaware that when he submitted military time off into the PlanIt scheduling system that by titling it "military drill," "drill," or anything military related, that he would

automatically be given the time off regardless of whatever time bank (bucket) he used. However, Lt. [REDACTED] said that he had many conversations with Officer Pennington regarding his military time off and made it clear to him that any military time off requests would be granted. He indicated that Officer Pennington was well aware of this and, in fact, told Lt. [REDACTED] the dates he needed time off for rather than asked for it. Also, Officer Pennington makes the statement that he assumes that his military training requests for time off will be granted. This suggests that Officer Pennington knew the mandatory nature of his military time off requests. There is no other reason why an Officer would assume any type of time off request would be granted.

The complainant ([REDACTED]) told us that she was with Officer Pennington on most of these weekends that he was supposed to be off doing military training and said that they either went out of town or just hung out in town or did things with the kids. [REDACTED] said that Officer Pennington would log onto his computer and tell her that he was off for "military duty," but he would never go and they would spend that time together. Officer Pennington confirmed with us that, in fact, [REDACTED], along with their kids, were with him during most of the time he was supposed to be actually doing military training, but based on his own statements, no training actually happened.

Officer Pennington described how he felt obligated to his guys at his former unit and wanted to be available to them in case they needed something. He said that he would usually go in and "check in" with the guys and let them know he was in the area in case they needed something. When I asked Officer Pennington who he checked in with, he could not provide the names of anyone who would have checked in with. We also asked him if anyone ever called him for anything and he said "no."

We asked Officer Pennington to provide hotel receipts to show which weekends he actually went to the San Diego area even though he told us that he was not attending actual military training. He provided us with a total of four receipts, three bank statements and one hotel receipt. Two of the receipts were for the dates 4/25 through 4/30. These two receipts had some of the transaction activity blacked out with a marker from 4/25 to 4/27 and showed transaction activity in

the City of Upland and San Diego on dates outside of when his training weekend for this month was actually scheduled. The third bank statement he provided also had transaction activity blacked out with a marker from 7/12 through 7/16 and again showed activity in the City of San Diego and Lebec for dates outside of when his training weekend for this month was actually scheduled. The fourth was a hotel receipt he provided that showed two transactions; one in the San Luis Obispo area on 6/23/12. This transaction date did fall within his training weekend for this month, but he was not in the San Diego area. Officer Pennington did provide an explanation for this during one of our interviews, saying he was doing military related "stuff" and had driven to San Luis Obispo to do some "recon" of some ranges and watch a video and take a test so he could have access to new training locations for the new Unit in Dublin that he was going to be transferring to. Officer Pennington said the video and test were not available when he got there, but he did drive around and looked at the ranges. He said that his son was with him as well as [REDACTED].

It is clear that the military time off that Officer Pennington was taking was not only for non-mandatory purposes, but was completely voluntary and consisted of activities that he could have done on his regular time off from work. Instead, Officer Pennington chose to use paid time off from an entire weekend shift to do these activities. In fact, Officer Pennington admits during his initial interview that he cannot account for a majority of his military time off and fails to give any reason for this. He routinely fails to recall any significant details regarding any of his activities during these time-off events that could hold him accountable for his time. For instance, he cannot give important names, descriptions of his activity, specific locations, etc.

On February 26, 2013, Officer Pennington provided a recorded statement to a worker's compensation Investigator hired by the City of Clovis to investigate a claim Officer Pennington had with the city. This report was transcribed in its entirety and is attached to this report.

In this interview Officer Pennington told the Investigator that he was not required to go to drills and was switching over units. Officer Pennington said he had taken a "little hiatus from the reserves altogether to get some of my personal stuff squared away." He also

told the Investigator he had not gone to drills from April through November 2012. He told the Investigator that November was the first time he had gone to drill in Camps Parks.

Officer Pennington attempted to provide training records at the request of his attorney [REDACTED] for any training that he might have done during this time period in question. Officer Pennington's method of verifying these training records is highly suspicious in the fact that he called a member ([REDACTED]) of his former unit in San Diego and asked him to verify training that he, in fact, never attended. This is based on his own testimony when he told us that he never actually attended any formal training for this Unit. Officer Pennington called SFC [REDACTED] after he was given notification of this I.A. investigation by the Police Department. After speaking to Sergeant First Class [REDACTED] he confirmed that he never verified the dates specific to the trainings and only looked at the section under "duties performed." SFC [REDACTED] said that when Officer Pennington, who was his former company commander, called him and told him he was being investigated by the Police Department and needed him to verify some "RST" records that he never submitted, he had no reason to question him and agreed to sign the records he sent him. SFC [REDACTED] said that he wished he had looked at the actual dates on the forms now, because he realized after he signed them that they were not accurate and actually got himself in trouble over it. The trainings or activities that Officer Pennington spoke to SFC [REDACTED] about might have actually happened at some point prior to this six month time period in question, but it definitely didn't happen during the time specified.

The training record which Officer Pennington's submitted was an attempt to fill in holes after the fact of this investigation being started. Officer Pennington took advantage of his subordinate ([REDACTED]) by having him sign training records which SFC [REDACTED] could not have verified because Officer Pennington was not checking in with SFC [REDACTED] nor was he doing any training with or for that unit. The only documented time during this six month period where there's any record of Officer Pennington being at the San Diego Unit was when he was already in San Diego participating in the Police and Fire Games and went in to provide a height and weight on June 14, 2012. Again, [REDACTED] was with him and this date was outside of when his training weekend was actually scheduled.

All these actions by Officer Pennington were, in our opinion, deceitful and done as an attempt to cover up the fact that he was taking this time to do personal activities and spend time with his girlfriend at the time (████) and family.

Officer Pennington was alleged to be performing activities outside his light duty restrictions while he was out on "Light Duty" and off from work. █████ said that he would play sports, do construction work on his house and go to the gym on a daily basis. We spoke to Officer Pennington about this allegation and determined it could not be validated. Officer Pennington denied the allegation and there's no evidence beyond █████ allegation to substantiate her claim.

Officer Pennington was alleged to have on multiple occasions drunk heavily and driven his personal vehicle while intoxicated. We spoke to Officer Pennington about this allegation and determined it could not be validated. Officer Pennington denied the allegation and there's no evidence beyond █████ allegation to substantiate her claim.

Officer Pennington was alleged to have had sexual relations with █████ while he was working and on duty. █████ said that Officer Pennington would spend hours with her at her house hanging out with her talking, watching TV and eating while he was supposed to be working. █████ said that she and Officer Pennington would constantly text each other while he was at work. We spoke to █████ mother (████) and she confirmed some of █████ information with regards to Officer Pennington spending 2 or 3 hours outside talking to █████ while on duty. █████ said this would occur at all hours of the day and quite frequently, until he moved in. She said Officer Pennington would come into the house and go straight into █████ (████) bedroom. She knew it was Officer Pennington because she could hear his police radio. She said he would be in the room with her daughter █████ for hours. She believes they were having sex, but since her daughter █████ is a grown woman, she didn't ask any questions. Officer Pennington denied these allegations and other than █████ mother's statement, there's no evidence beyond █████ allegation of having sex while on duty to substantiate this claim.



However, we found that the allegation that Officer Pennington spent an unreasonable amount of time visiting with [REDACTED] in person and communicating with [REDACTED] via text and phone to be valid. [REDACTED] provided us with her cell phone records that showed both text and voice communications between her and Officer Pennington's cell phone numbers. [REDACTED] provided Officer Pennington's old cell phone number [REDACTED] along with his current number ([REDACTED]-[REDACTED]). I confirmed Officer Pennington's old cell phone number # ([REDACTED]) [REDACTED] with his attorney [REDACTED]. The cell phone records that [REDACTED] provided showed that on the weekends Officer Pennington was working she was receiving a high number of mostly text and some phone calls from Officer Pennington's cell phone number(s). We looked at [REDACTED] phone records from April through November 2012 and compiled the number of texts and minutes to calls for the days and hours that Officer Pennington was on duty working. The total number of days that he worked on Patrol for this time period was 62 days, which totaled approximately 775 hours. The results of texts for this same time period were approximately 1800 texts and 270 minutes of calls.

[REDACTED] also alleged that she had been on multiple ride-alongs with Officer Pennington, all of which resulted in them having sexual relations in his patrol car while he was working. We spoke to Officer Pennington about this allegation and determined it could not be validated. Officer Pennington denied the allegation and there's no evidence beyond [REDACTED] allegation to substantiate her claim.

[REDACTED] also alleged that Officer Pennington, while working, would pick her up in his patrol vehicle from various locations and give her a ride home. She said that on one occasion he picked her up in Fresno and drove back at 120 MPH to her house in Clovis. We spoke to Officer Pennington about leaving the City to pick up [REDACTED] without his supervisor's knowledge or permission and he first said that he had not done this. After asking him why his patrol vehicle's computer (MDT), would be pinging off cell towers in Fresno, Officer Pennington then said that there was one time he had gone to the area of "River Park," in Fresno to pick up [REDACTED] who was intoxicated and needed a ride home. Officer Pennington said that he would have asked permission from his supervisors at the time, but couldn't remember who he talked to. He said that he normally clears all matters with his

supervisor. After speaking to Officer Pennington's supervisors, Sergeant [REDACTED] and [REDACTED], it is clear that Officer Pennington never asked their permission to leave the city to give [REDACTED] a ride back home. [REDACTED] also alleged that during this ride back from Fresno, Officer Pennington was driving in excess of 100 MPH. Officer Pennington denied driving this fast or reckless, but it would seem likely if he hadn't asked his supervisor's permission to go into Fresno that he would be in a rush to get back to Clovis.

We also determined that Officer Pennington either never had [REDACTED] fill out a ride-along form or never turned the form into his supervisors. [REDACTED] said the two times she went on a ride-along with Officer Pennington she never filled out any type of form. Officer Pennington said he had [REDACTED] fill out a ride-along form, but can't remember if he turned it in. I checked our ride-along files in our records department and did not find any ride-along forms for [REDACTED].

[REDACTED] alleged that Officer Pennington was using steroids, due to syringes and bottles of foreign substances that she had seen in his belongings. She said that his temper and body type is also why she believes he is using steroids. Officer Pennington denied the recreational use of steroids and said that he had received some steroid shots from a doctor when he injured his shoulder back in 2007 or 2008. He said that his current doctor had prescribed him some type of testosterone gel because he was feeling lethargic and putting on weight. Officer Pennington didn't know the exact pronunciation of this doctor's name and said his office is in the area of Kings Canyon and Clovis Avenue in Fresno.

Officer Pennington initially agreed to submit to a blood screening to test for steroids. We made arrangements with the city attorney and scheduled the test to be performed at the Police Department, but the day before the test was going to occur, I received a call from Officer Pennington's attorney [REDACTED] stating that he had changed his mind and would not be submitting to the blood test at her request.

[REDACTED] also alleged that Officer Pennington was addicted to sex as well as pornography. She said he had multiple computer files of pornography, in which the girls appeared not to be of legal age. After speaking with [REDACTED], she clarified that the pornography Officer

Pennington had viewed or possessed was adult pornography and determined not to be illegal. We decided not to question Officer Pennington about this allegation due to the above finding.

█████ alleged that Officer Pennington, on multiple occasions, battered her, causing serious injuries. She said that during the alleged domestic violence she sustained bruises on her arms, legs and ribs. She said that Officer Pennington was both physically and mentally abusive to her. On 03-20-13, █████ made several allegations that Officer Pennington head butted her in the back, kicked her in the thigh, and pulled her by the hair during several different arguments. Irby and Officer Pennington were living together at the time in a dating relationship. █████ described several visible traumatic injuries that she incurred as a result. Irby showed us a small scar on her right wrist that she said was caused by Officer Pennington. This is in violation of PC 273.5(a).

█████ also stated that during consensual sex following an argument, Officer Pennington inserted his penis into her anus without her consent. █████ told Officer Pennington to stop, but he did not. This is in violation of PC 286(c)(2). Officer Pennington denied all of the allegations of domestic violence against █████.

Officer Pennington's conduct regarding the alleged domestic violence and sexual abuse was substantial enough to be investigated and forwarded to the District Attorney's Office for filing and, therefore, his conduct and decisions reflect poorly on the Clovis Police Department.

Officer Pennington's notoriously disgraceful conduct and behavior was again documented in a separate domestic violence crime report with a different complainant/victim. This separate complaint came in independently of this allegation. The preliminary findings of the new allegations show a similar pattern of behavior and conduct for Officer Pennington. The new Internal Affairs Investigation will be on two additional documented cases of domestic violence alleged against Officer Pennington. This new investigation is ongoing and is documented under Internal Affairs report #13-05.

At the conclusion of this investigation, it is clear that Officer Pennington has been deceptive both before and during this investigation; making attempts to hide disgraceful and dishonest behavior, defrauding the Department in the form of paid time off for fabricated military responsibilities in which he must have known would not be denied him by the Department, as well as denying grossly unbecoming behavior in the form of domestic violence when there is growing evidence to prove the verity of this allegation.

## **FINDINGS:**

Clovis Discipline Policy 340.3.2 (m) – Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

**Not Sustained-** We spoke to Officer Pennington about this allegation and determined it could not be validated. Officer Pennington denied the allegation and there's no evidence beyond [REDACTED] allegation to substantiate her claim.

Clovis Discipline Policy 340.3.4 (a) – Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

**Not Sustained-** We spoke to Officer Pennington about this allegation and determined it could not be validated. Officer Pennington denied the allegation and there's no evidence beyond [REDACTED] allegation to substantiate her claim.

Clovis Discipline Policy 340.35 (aa) – Any other on duty or off duty conduct that any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or morale, or that tends to reflect unfavorably upon the Department or its members.

**Sustained-** Officer Pennington's off duty conduct regarding the alleged domestic violence abuse was substantial enough to be documented and forwarded to the District Attorney's Office for filing. This reflects poorly on the Clovis Police Department in addition to Officer Pennington. During one of the reported verbal arguments with the complainant, Officer Pennington went to a neighbor's house looking for the complainant. Officer Pennington was banging on the doors and demanded that they have the complainant come outside.

The complainant had gone to the neighbor's house to get away from Officer Pennington.

Clovis Discipline Policy 340.35 (i) – The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper or document.

**Sustained**- Officer Pennington submitted for military time off with the Police Department from April through September of 2012, which he did not attend. The explanation given by Officer Pennington of what he did that was military related during this time was so incidental that it didn't account for the majority of time that he was being compensated for. Officer Pennington's actions were deceitful and done in an attempt to cover up the fact that he was taking this time to do personal activities and spend time with his girlfriend at the time ( ) and family.

Officer Pennington made misleading statements during his interview with Sergeant ( ) and me, Sergeant ( ).

Clovis Discipline Policy 340.35 (n) – Work related dishonesty, including attempted or actual theft of Department property, services or the property of others.

**Sustained**- Officer Pennington also left the City and drove to Fresno to pick up his girlfriend ( ) and did not inform his supervisors or ask permission.

Again, Officer Pennington submitted for military time off with the Police Department from April through September of 2012, which he did not attend. The explanation given by Officer Pennington of what he did that was military related during this time was so incidental that it didn't account for the majority of time that he was being compensated for. Officer Pennington's actions were deceitful.

Clovis Discipline Policy 340.35 (o) – Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (On or Off Duty).

**Sustained**-Officer Pennington's off duty conduct regarding the alleged domestic violence abuse was substantial enough to be documented and forwarded to the District Attorney's Office for filing. This reflects poorly on the Clovis Police Department in addition to Officer Pennington. Officer Pennington has a new Internal Affairs Investigation that is currently ongoing and involving three additional allegations of domestic violence.

Clovis Discipline Policy 340.35 (p) – Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form.

**Sustained**- Officer Pennington submitted for military time off with the Police Department from April through September of 2012, which he did not attend. The explanation given by Officer Pennington of what he did that was military related during this time was so incidental that it didn't account for the majority of time that he was being compensated for. Officer Pennington's actions were deceitful.

Clovis Discipline Policy 340.35 (z) – Violating any misdemeanor or felony statute.

**Pending**- The District Attorney's Office is still reviewing this case along with three additional cases of domestic violence against Officer Pennington; this is documented under new IA #13-05

Clovis Discipline Policy 340.3.6 (c) – Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

**Not Sustained**-We spoke to Officer Pennington about this allegation and determined it could not be validated. Officer Pennington denied the allegation and there's no evidence beyond [REDACTED] allegation to substantiate her claim.

Clovis Discipline Policy 340.3.6 (f) – Violating departmental safety standards or safe working practices.

**Sustained**- Officer Pennington admitted to taking [REDACTED] on ride-alongs, however, no forms were found to be turned in for these incidents. This constitutes a liability for the Department in the case that any harm that may have come to [REDACTED] during these ride-alongs and no liability waiver had been filed on her behalf. [REDACTED] also indicated that she never filled out any forms for these ride-alongs.



**CLOVIS POLICE DEPARTMENT  
COMPLAINT FORM**

PLEASE PRINT CLEARLY

Name \_\_\_\_\_  
(First) (Middle) (Last)

Address \_\_\_\_\_  
(Number - Street) (City) (State) (Zip)

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Between \_\_\_\_\_ AM/PM and \_\_\_\_\_ AM/PM

Officers/Employees involved in this complaint: Kyle Pennington

Date of Incident \_\_\_\_\_ Time of Incident \_\_\_\_\_

Location of Incident \_\_\_\_\_

Explanation of Complaint: (Attach additional sheets as necessary)  
(see attached)

CALIFORNIA PENAL CODE SECTION 148.6 GIVES YOU THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

I have read and understand the above statement.

Date Submitted 3/5/2013 Signature of Complainant \_\_\_\_\_



February 28, 2013

To Whom It May Concern:

I am writing in regards to Officer Kyle Pennington that currently works for the Clovis Police Department. I have known Kyle for the past 8 months, and after discovering what a dishonest person he is, I chose to remove myself from any type of relationship involving him. I am astonished that you would have an officer of such low integrity working for you and representing your department; Kyle Pennington is a known liar to all that know him in his personal life. After having an affair on his wife of 8 years for 4 years he has proven himself to be deceitful to all around him. How can a man of such low integrity and dishonesty be suitable for a job of authority that requires honesty and integrity? How can he be honest when upholding the law as a Police Officer when he isn't in all other aspects of his life? I think it is in the Clovis Police Department's best interest to be aware of a few of Kyle Pennington's recent actions.

Officer Kyle Pennington who is also in the Army Reserves has been taking advantage of the Clovis Police Department and their understanding of its military service members who work for the department. I have witnessed Kyle Pennington on multiple occasions take time off from work under the guise that he has "military duty" when in fact he did not attend any military obligations and instead went out drinking at bars or went out of town on vacation. During these times, Kyle stated that he needed to, "lay low and stay out of Clovis," so he would not get caught while doing this. Yet, Kyle Pennington is currently amidst a law suit that he filed against the City of Clovis because he feels he is entitled to a pay raise even though he was not here to earn it.

During Kyle Pennington's recent time on "Light Duty" I witnessed Kyle play sports, do construction work on his house, and go to the gym on a daily basis. How can a man who is capable of doing vigorous personal activities be incapable of working his regular duties? During this time Kyle expressed to me that he was enjoying, "sitting around getting paid to do nothing." On December 31<sup>st</sup>, 2012 while Kyle was "unable to work" due to his "injury" he worked a side job posing as a gold statue in Lemoore at the Taichi Palace Casino which required him to stand in one position for 4 hours. Yet during this time Kyle had informed the department that he was "unable to work due to his knee being so painful." I have pictures of him working at this event.

I have also witnessed Kyle Pennington on multiple occasions drinking heavily and then driving his black Toyota Tundra while extremely intoxicated. During these times, I had insisted that Kyle not drive while intoxicated to which he replied that he was "in Clovis and won't get a DUI," implying that because he worked for Clovis PD that he was somehow immune to a DUI.

To Whom It May Concern

February 28, 2013

Page 2

When I first knew Kyle, while he was on duty and in uniform, he would stop by my house and have sexual relations with me. He would also sit in my house for hours watching TV, eating, and talking to me while he was supposed to be working.

On other occasions, Kyle Pennington, while working, would travel to various places around Clovis and Fresno to pick me up in his patrol car because he insisted on giving me a ride home. At one point, he even traveled as far as Palm and Nees, in Fresno, to my friend's apartment complex in his Clovis Patrol car to pick me up. He then drove me on the 41 freeway reaching speeds over 120mph back to my residence in Clovis.

I have also been on multiple ride-a-longs with Kyle Pennington all of which resulted in us having sexual relations in his patrol car while he was working. I had inquired with Kyle on each of these occasions if doing these things would get him in trouble, to which he replied "No" and that he "does whatever he wants"

Due to Kyle Pennington's temper and current body type I believe Kyle is also on steroids. I have found syringes and bottles of foreign substances in his belongings. To my knowledge, Kyle Pennington is not a diabetic nor does he have any medical condition that requires him to use syringes.

Kyle Pennington has become extremely physical with me on multiple occasions and has caused serious injuries to my person. He has left many bruises on my arms, legs, and ribs. He was physically and mentally abusive to me. Although no reports have been filed at this time, there are several witnesses that have seen me visibly upset and bruised after our altercations. My father, a retired Deputy for the Kern County Sheriff's Department, is a witness to this as well.

I believe Kyle Pennington has a sex addiction as well as a pornography addiction. I have witnessed Kyle Pennington visit local strip clubs and massage parlors late at night on numerous occasions. In Kyle Pennington's computer there are files upon files of pornography, most of which have a common theme of extremely young girls who appear to be **not of legal age**. Throughout the time that I have known Kyle he would watch pornography on a daily basis.

I believe it is in the best interest of the Clovis Police Department to investigate these claims further. I can provide witnesses, evidence, and testimony for all accounts.

Sincerely,

[REDACTED]  
[REDACTED]



# CLOVIS POLICE DEPARTMENT Notification

To: Officer Kyle Pennington

From: [REDACTED], Police Sergeant  
Police Corporal

Date: March 11, 2013

Subject: Internal Affairs Investigation # 13-03 Notification

I (We) have been assigned to investigate an internal department complaint of which you are the subject. The allegations made, if substantiated, would violate the following Clovis Police Department Policies/California Penal Code:

Clovis Discipline Policy 340.3.2 (m) – Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

Clovis Discipline Policy 340.3.4 (a) – Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

Clovis Discipline Policy 340.3.5 (aa) – Any other on duty or off duty conduct that any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or morale, or that tends to reflect unfavorably upon the Department or its members.

Clovis Discipline Policy 340.3.5 (i) – The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper or document.

Clovis Discipline Policy 340.3.5 (n) – Work related dishonesty, including attempted or actual theft of Department property, services or the property of others.

Clovis Discipline Policy 340.3.5 (o) – Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (On or Off Duty).

Clovis Discipline Policy 340.3.5 (p) – Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form.

Clovis Discipline Policy 340.3.5 (z) – Violating any misdemeanor or felony statute.

Clovis Discipline Policy 340.3.6 (c) – Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

Clovis Discipline Policy 340.3.6 (f) – Violating departmental safety standards or safe working practices.

You will be notified when to report to the Clovis Police Department to answer questions I (we) have relating to this investigation.

The Clovis Police Department was notified by a Complainant that made numerous allegations of a serious nature against you.

You are not to have any contact, including but not limited to, telephone, personal, email, in written form of any kind, driving by the residence or place of employment, or any other form of contact, with [REDACTED]. You are also ordered and directed not to initiate contact with Ms. [REDACTED] through a third party

This interview/interrogation will be recorded. You will have access to the recording if further proceedings are contemplated or prior to any further questioning at a subsequent time. You have the right to bring your own recording device and record any and all aspects of this meeting.

You have the right to be represented by a representative of your choice who may be present at all times during the questioning. This representative shall not be a person subject to the same investigation. Please give me (1) working day's notice if you will be represented by legal counsel as we may then require counsel to also be present.

If this interview/interrogation occurs during off-duty time, you shall be compensated for your time in accordance with regular department procedures.

### **Internal Affairs Admonishment**

I wish to advise you that you are being questioned as part of an official investigation of the Clovis Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the Public Safety Officers Procedural Bill of Rights (California Government code section 3300 through 3311), and the constitution of this State and the Constitution of the United States, including the right to remain silent and not incriminate yourself, and to have a representative of your choice present during questioning. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, your silence could be deemed insubordination and could lead to administrative discipline, including dismissal from the Police Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings; however, these statements may be used against you in relation to subsequent departmental charges. In addition, your statements will not be admissible in any subsequent civil proceeding except that: (1) your statements can be used in seeking civil sanctions against you, including disciplinary action; (2) your statements may be used in any action brought by you or your exclusive representative, arising out of a disciplinary action; (3) your statements may be used to impeach your testimony after an in camera review to determine whether the statements serve to impeach your testimony; and (4) your statements may be used if you are subsequently deceased.

Subject: \_\_\_\_\_

Investigator: \_\_\_\_\_

Investigator: \_\_\_\_\_



# CLOVIS POLICE DEPARTMENT

## Advisement/Admonishment

To: Officer Kyle Pennington

From: [REDACTED], Police Sergeant  
[REDACTED] Police Corporal

Date: April 3, 2013

Subject: Internal Affairs Investigation # 13-03 Notification

I (We) have been assigned to investigate an internal department complaint of which you are the subject. The allegations made, if substantiated, would violate the following Clovis Police Department Policies:

Clovis Discipline Policy 340.3.2 (m) – Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

Clovis Discipline Policy 340.3.4 (a) – Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

Clovis Discipline Policy 340.3.5 (aa) – Any other on duty or off duty conduct that any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or morale, or that tends to reflect unfavorably upon the Department or its members.

Clovis Discipline Policy 340.3.5 (i) – The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper or document.

Clovis Discipline Policy 340.3.5 (n) – Work related dishonesty, including attempted or actual theft of Department property, services or the property of others.

( Clovis Discipline Policy 340.3.5 (o) – Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (On or Off Duty).

Clovis Discipline Policy 340.3.5 (p) – Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form.

Clovis Discipline Policy 340.3.5 (z) – The Violation of any misdemeanor or felony statute.

Clovis Discipline Policy 340.3.6 (c) – Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

Clovis Discipline Policy 340.3.6 (f) – Violating departmental safety standards or safe working practices.

Please report to the Clovis Police Department on \_\_\_\_\_ to answer questions I (we) have relating to this investigation.

### **Pre-Interrogation Admonishment**

This interview/interrogation will be recorded. You will have access to the recording if further proceedings are contemplated or prior to any further questioning at a subsequent time. You have the right to bring your own recording device and record any and all aspects of this meeting.

You have the right to be represented by a representative of your choice who may be present at all times during the questioning. This representative shall not be a person subject to the same investigation. Please give me (1) working day's notice if you will be represented by legal counsel as we may then require counsel to also be present.

If this interview/interrogation occurs during off-duty time, you shall be compensated for your time in accordance with regular department procedures.



### Internal Affairs Admonishment

I wish to advise you that you are being questioned as part of an official investigation of the Clovis Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the Public Safety Officers Procedural Bill of Rights (California Government code section 3300 through 3311), and the constitution of this State and the Constitution of the United States, including the right to remain silent and not incriminate yourself, and to have a representative of your choice present during questioning. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, your silence could be deemed insubordination and could lead to administrative discipline, including dismissal from the Police Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings; however, these statements may be used against you in relation to subsequent departmental charges. In addition, your statements will not be admissible in any subsequent civil proceeding except that: (1) your statements can be used in seeking civil sanctions against you, including disciplinary action; (2) your statements may be used in any action brought by you or your exclusive representative, arising out of a disciplinary action; (3) your statements may be used to impeach your testimony after an in camera review to determine whether the statements serve to impeach your testimony; and (4) your statements may be used if you are subsequently deceased.

### Administrative Advisement

The date of this interview is 04/03/2013 The time is 1022HRS.

The location is CLOVIS POLICE DEPT.

Present for this interview are Sgt [REDACTED] CR [REDACTED];

[REDACTED] & KYLE BOWENSTON  
The investigating officer's are Sgt [REDACTED] & CR [REDACTED]

"You have the right to have a representative of your choice present during this interview and you have chosen [REDACTED]".

1. An Attorney
2. An association member
3. Anyone else not connected with this investigation

### **Miranda Advisement**

You have the right to remain silent  
Anything you say may be used against you in court  
You have the right to an attorney before and during questioning  
If you cannot afford an attorney one will be appointed to you before questioning if you wish

Do you understand each of these rights that I have explained to you?

### **Lybarger Admonition**

Read the Lybarger Admonition when:

- 1) Miranda is not waived
- 2) The employee refuses to answer questions in an administrative investigation

- While you have the right to remain silent with regard to any criminal investigation, you do not have the right to refuse to answer any administrative investigation questions.
- This is an administrative investigation. I am, therefore, now ordering you to discuss this matter with me.
- If you refuse to discuss this matter, your silence can be deemed insubordination and can result in administrative discipline, up to and including termination.
- Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding.

KYLE PERKINGTON I am ordering you to answer any and all questions asked of you truthfully and completely. Failure to do so may be deemed insubordination and may result in administrative discipline up to and including termination of your employment with the Clovis Police Department.

The above Lybarger Admonition has been explained to me and I understand its contents.

Subject KYLE PERKINGTON

Interviewer Sgt. [REDACTED]

Interviewer CR [REDACTED]

At the conclusion of the interview give this admonishment:

KYLE PERKINGTON I am ordering you not to discuss this investigation or interview/interrogation with anyone other than your representative or the investigating officers. Do you understand? YES NO Signed [Signature]



# CLOVIS POLICE DEPARTMENT Advisement/Admonishment

To: Officer Kyle Pennington

From: [REDACTED], Police Sergeant  
[REDACTED] Police Corporal

Date: April 18, 2013 *SITUATED*

Subject: Internal Affairs Investigation # 13-03 Notification

I (We) have been assigned to investigate an internal department complaint of which you are the subject. The allegations made, if substantiated, would violate the following Clovis Police Department Policies:

Clovis Discipline Policy 340.3.2 (m) – Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

Clovis Discipline Policy 340.3.4 (a) – Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

Clovis Discipline Policy 340.3.5 (aa) – Any other on duty or off duty conduct that any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or morale, or that tends to reflect unfavorably upon the Department or its members.

Clovis Discipline Policy 340.3.5 (i) – The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper or document.

Clovis Discipline Policy 340.3.5 (n) – Work related dishonesty, including attempted or actual theft of Department property, services or the property of others.

Clovis Discipline Policy 340.3.5 (o) – Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (On or Off Duty).

Clovis Discipline Policy 340.3.5 (p) – Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form.

Clovis Discipline Policy 340.3.5 (z) – The Violation of any misdemeanor or felony statute.

Clovis Discipline Policy 340.3.6 (c) – Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

Clovis Discipline Policy 340.3.6 (f) – Violating departmental safety standards or safe working practices.

Please report to the Clovis Police Department on \_\_\_\_\_ to answer questions I (we) have relating to this investigation.

### **Pre-Interrogation Admonishment**

This interview/interrogation will be recorded. You will have access to the recording if further proceedings are contemplated or prior to any further questioning at a subsequent time. You have the right to bring your own recording device and record any and all aspects of this meeting.

You have the right to be represented by a representative of your choice who may be present at all times during the questioning. This representative shall not be a person subject to the same investigation. Please give me (1) working day's notice if you will be represented by legal counsel as we may then require counsel to also be present.

If this interview/interrogation occurs during off-duty time, you shall be compensated for you time in accordance with regular department procedures.

### **Internal Affairs Admonishment**

I wish to advise you that you are being questioned as part of an official investigation of the Clovis Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the Public Safety Officers Procedural Bill of Rights (California Government code section 3300 through 3311), and the constitution of this State and the Constitution of the United States, including the right to remain silent and not incriminate yourself, and to have a representative of your choice present during questioning. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, your silence could be deemed insubordination and could lead to administrative discipline, including dismissal from the Police Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings; however, these statements may be used against you in relation to subsequent departmental charges. In addition, your statements will not be admissible in any subsequent civil proceeding except that: (1) your statements can be used in seeking civil sanctions against you, including disciplinary action; (2) your statements may be used in any action brought by you or your exclusive representative, arising out of a disciplinary action; (3) your statements may be used to impeach your testimony after an in camera review to determine whether the statements serve to impeach your testimony; and (4) your statements may be used if you are subsequently deceased.

### **Administrative Advisement**

The date of this interview is \_\_\_\_\_ The time is \_\_\_\_\_

The location is \_\_\_\_\_

Present for this interview are \_\_\_\_\_

The investigating officer's are \_\_\_\_\_

"You have the right to have a representative of your choice present during this interview and you have chosen \_\_\_\_\_".

1. An Attorney
2. An association member
3. Anyone else not connected with this investigation

### **Miranda Advisement**

You have the right to remain silent

Anything you say may be used against you in court

You have the right to an attorney before and during questioning

If you cannot afford an attorney one will be appointed to you before questioning if you wish

Do you understand each of these rights that I have explained to you?

### **Lybarger Admonition**

Read the Lybarger Admonition when:

- 1) Miranda is not waived
- 2) The employee refuses to answer questions in an administrative investigation

- While you have the right to remain silent with regard to any criminal investigation, you do not have the right to refuse to answer any administrative investigation questions.
- This is an administrative investigation. I am, therefore, now ordering you to discuss this matter with me.
- If you refuse to discuss this matter, your silence can be deemed insubordination and can result in administrative discipline, up to and including termination.
- Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding.

\_\_\_\_\_ I am ordering you to answer any and all questions asked of you truthfully and completely. Failure to do so may be deemed insubordination and may result in administrative discipline up to and including termination of your employment with the Clovis Police Department.

**The above Lybarger Admonition has been explained to me and I understand its contents.**

Subject \_\_\_\_\_

Interviewer \_\_\_\_\_

Interviewer \_\_\_\_\_

**At the conclusion of the interview give this admonishment:**

\_\_\_\_\_ I am ordering you not to discuss this investigation or interview/interrogation with anyone other than your representative or the investigating officers. Do you understand? YES NO Signed \_\_\_\_\_





## CLOVIS POLICE DEPARTMENT Administrative Advisement to Witness Officer

Internal Affairs # or Citizen Complaint #: 13-03

Employee: [REDACTED]

"The date and time of this interview is 3/27/13 @ ~~1745~~ 1515"

"The location is 1233 5<sup>th</sup> ST"

"The investigating officers are [REDACTED]"

"Present for this interview are [REDACTED] + [REDACTED]"

You are about to be questioned as part of an official Clovis Police Department administrative investigation.

You are hereby advised that provisions of the Government Code, generally referred to as the Peace Officer's Bill of Rights, do not apply in this instance. You are being advised that you are required to make truthful and complete statements. Any refusal to do so may result in discharge or other punitive action.

A representative is not allowed in this interview. You are being interviewed as a witness. You are not under investigation and you have not been charged with any violations. If, during this interview, it becomes apparent you may be subject to discipline, the interview will stop. You will be told that your status has changed to that of a "subject".

In the event that you decline to answer questions, you shall be re-advised of your administrative rights as though you are a "subject".

You are also being ordered not to discuss this interview or investigation, in part or in whole, with anyone other than the investigating officer(s).

\*\*\*\*\*

The above admonition has been explained to me and I understand its contents.

Employee: [REDACTED]

Investigating Officer: [REDACTED]

Investigating Officer: [REDACTED]





# CLOVIS POLICE DEPARTMENT ADMINISTRATIVE ADVISEMENT TO WITNESS

Professional Staff

Internal Affairs # or Citizen Complaint #: 12-03

Employee: [REDACTED]

"The date and time of this interview is 4/8/12"

"The location is PERSONNEL OFFICE"

"The investigating officers are [REDACTED] ; [REDACTED]"

"Present for this interview are \_\_\_\_\_"

You are about to be questioned as part of an official Clovis Police Department administrative investigation.

You are hereby advised that you are required to make truthful and complete statements. Any refusal to do so may result in discharge or other punitive action.

A representative is not allowed in this interview. You are being interviewed as a witness. You are not under investigation and you have not been charged with any violations. If, during this interview, it becomes apparent you may be subject to discipline, the interview will stop. You will be told that your status has changed to that of a "subject".

In the event that you decline to answer questions, you shall be re-advised of your administrative rights as though you are a "subject".

You are also being ordered not to discuss this interview or investigation, in part or in whole, with anyone other than the investigating officer(s).

\*\*\*\*\*

The above admonition has been explained to me and I understand its contents.

Employee: [REDACTED]

Investigating Officer: [REDACTED]

Investigating Officer: [REDACTED]



## CLOVIS POLICE DEPARTMENT Administrative Advisement to Witness Officer

Internal Affairs # or Citizen Complaint #: 12-03

Employee: LT. [REDACTED]

"The date and time of this interview is 4/8/13 1137"

"The location is CPD"

"The investigating officers are [REDACTED]"

"Present for this interview are \_\_\_\_\_"

You are about to be questioned as part of an official Clovis Police Department administrative investigation.

You are hereby advised that provisions of the Government Code, generally referred to as the Peace Officer's Bill of Rights, do not apply in this instance. You are being advised that you are required to make truthful and complete statements. Any refusal to do so may result in discharge or other punitive action.

A representative is not allowed in this interview. You are being interviewed as a witness. You are not under investigation and you have not been charged with any violations. If, during this interview, it becomes apparent you may be subject to discipline, the interview will stop. You will be told that your status has changed to that of a "subject".

In the event that you decline to answer questions, you shall be re-advised of your administrative rights as though you are a "subject".

You are also being ordered not to discuss this interview or investigation, in part or in whole, with anyone other than the investigating officer(s).

\*\*\*\*\*

The above admonition has been explained to me and I understand its contents.

Employee: [REDACTED]

Investigating Officer: [REDACTED]

Investigating Officer: [REDACTED]



## CLOVIS POLICE DEPARTMENT Administrative Advisement to Witness Officer

Internal Affairs # or Citizen Complaint #: 12-03

Employee: [REDACTED]

"The date and time of this interview is 4/18/13 1145"

"The location is 1233 5TH ST"

"The investigating officers are [REDACTED] [REDACTED]"

"Present for this interview are \_\_\_\_\_"

You are about to be questioned as part of an official Clovis Police Department administrative investigation.

You are hereby advised that provisions of the Government Code, generally referred to as the Peace Officer's Bill of Rights, do not apply in this instance. You are being advised that you are required to make truthful and complete statements. Any refusal to do so may result in discharge or other punitive action.

A representative is not allowed in this interview. You are being interviewed as a witness. You are not under investigation and you have not been charged with any violations. If, during this interview, it becomes apparent you may be subject to discipline, the interview will stop. You will be told that your status has changed to that of a "subject".

In the event that you decline to answer questions, you shall be re-advised of your administrative rights as though you are a "subject".

You are also being ordered not to discuss this interview or investigation, in part or in whole, with anyone other than the investigating officer(s).

\*\*\*\*\*

The above admonition has been explained to me and I understand its contents.

Employee: [REDACTED] [REDACTED]

Investigating Officer: /

Investigating Officer: \_\_\_\_\_



## CLOVIS POLICE DEPARTMENT Administrative Advisement to Witness Officer

Internal Affairs # or Citizen Complaint #: 13-03

Employee: [REDACTED]

"The date and time of this interview is 4/25/13 @ 2225"

"The location is 1233 5th ST (CPD)"

"The investigating officers are [REDACTED]"

"Present for this interview are [REDACTED]"

You are about to be questioned as part of an official Clovis Police Department administrative investigation.

You are hereby advised that provisions of the Government Code, generally referred to as the Peace Officer's Bill of Rights, do not apply in this instance. You are being advised that you are required to make truthful and complete statements. Any refusal to do so may result in discharge or other punitive action.

A representative is not allowed in this interview. You are being interviewed as a witness. You are not under investigation and you have not been charged with any violations. If, during this interview, it becomes apparent you may be subject to discipline, the interview will stop. You will be told that your status has changed to that of a "subject".

In the event that you decline to answer questions, you shall be re-advised of your administrative rights as though you are a "subject".

You are also being ordered not to discuss this interview or investigation, in part or in whole, with anyone other than the investigating officer(s).

\*\*\*\*\*

The above admonition has been explained to me and I understand its contents.

Employee: [REDACTED]

Investigating Officer: [REDACTED]

Investigating Officer: [REDACTED]

# Clovis PD Crime Report

Case Report No. 130004197.1

Report Subject: PC273.5(A) INFLICT

CORPORAL INJURY ON

SPOUSE/COHABITANT(F) PC286(C)(2)

Report Date: 03/27/2013 00:00:00

Report Status: A - Approved

Clovis PD

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Page 1 of 24

## Case Details:

Code	Description
PC 273.5(A)	INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT(1BR 13B)(F)
PC 286(C)(2)	SODOMY:USE FORCE/INJ (F)(F)

### Special Flags

Reporting Officer

Assignment

Date Entered

Entered By

08/01/2012 23:00:00

BINV - Investigations

03/27/2013 08:38:29

Verified By

Occurred On

Gang Involved

Date Verified

Location of Incident

(and Between)

N - No

04/25/2013 15:25:09

CONFIDENTIAL

Area

Address of Incident

CSZ

Crime Pattern No

CL - CL

Beat

CLOVIS, CA 93611

DUI Processing Agency

DUI Processing Officer

Zone

C906 - C906

DUI Agency Case Number

Means

31 - Victim forced to floor

Motive

10 - Physical abuse of one's spouse  
13 - Sex involved

Other Means

Other Motives

Notified

Disposition

1 - Exception

Clearance Reason

N - Not Applicable

Date of Clearance

04/03/2013 00:00:00

Connecting Cases

## Offense Detail: PC273.5(A) - INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT(1BR 13B)(F)

Code	Description	Crime Against	Hate/Bias
273.5(A)	INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT(1BR 13B)(F)	PE	88 - None (No Bias)
Offense Level	Completed	Offensive Act	Force Level
F - Felony	Y - Yes		
No. Prem. Entered	Entry Method		
Anti-Reproductive-Rights	Domestic Violence	Location Type	Criminal Activity
N - No	Y - Yes	20 - Residence/Home	
Using	Weapons	Tools Used	Type Security
	40 - Personal Weapons		
	(Hands, Feet, Teeth, etc.)		

## Additional Offense Detail: PC286(C)(2) - SODOMY:USE FORCE/INJ (F)(F)

Code	Description	Crime Against	Hate/Bias
286(C)(2)	SODOMY:USE FORCE/INJ (F)(F)	PE	88 - None (No Bias)
Offense Level	Completed	Offensive Act	Force Level
F - Felony	Y - Yes		
No. Prem. Entered	Entry Method		
Anti-Reproductive-Rights	Domestic Violence	Location Type	Criminal Activity
N - No	N - No	20 - Residence/Home	
Using	Weapons	Tools Used	Type Security
	99 - None		

## Suspect S1: PENNINGTON, KYLE

Name

PENNINGTON, KYLE

Alert(s)

Date Entered: 03/27/2013 08:38:29

Entered By:

Date Verified: 04/25/2013 15:25:09

Verified By:

Printed For: 0

Printed: June 7, 2013 - 13:32:51

# Clovis PD Crime Report

Case Report No. 130004197.1

Report Subject: PC273.5(A) INFLICT  
CORPORAL INJURY ON

SF /SE/COHABITANT(F) PC286(C)(2)

Report Date: 03/27/2013 00:00:00

Report Status: A - Approved

Clovis PD

2

Page 2 of 24

## AKA(s)

### Address

1233 5th St

### Employment Type

CE - Currently

Employed

### Resident of Jurisdiction

U - Unknown

### DOB

[REDACTED]

### Hair Color

### Age

33

### Hair Length

### CSZ

Clovis, CA 93612

### Occupation/Grade

POLICE OFFICER

### Employer/School Phone

559 324-2800

### Race

W - White

### Hair Style

### County

### Employer/School

CLOVIS POLICE DEPARTMENT

### Employer/School Address

1233 5th St

### Height

### Weight

### Sex

M - Male

### Facial Hair

### Eye Color

### Country

USA - United States of America

### CSZ

CLOVIS, CA 93612

### Ethnicity

N - Not of Hispanic Origin

### Complexion

### Build

### Teeth

### Clothing

### Primary Language

## Scars/Marks/Tattoos

### Location

### Description

### Photo

## Gang Criteria

### Gang Related

### Criteria

## Contact Information

### Type

W - Work Phone

### Phone/Email/Other

559 324-2800

## Identification

### Gang ID

### MNI

### Type

OTH - Other

### Number

5090

### Primary ID

### State

### Country

### Class

### Expiration

### Notes

CLOVIS POLICE  
DEPARTMENT  
EMPLOYEE ID

### DL - Driver's

### License

### Number

### SID - CII

### Number

9

### CA -

California

### CA -

California

### USA - United

States of

America

## Parole/Probation Contacts

### Agency

### Agent Name

### Agent Phone

## Relationships

### To Whom

### How

V1 - ConfV1

DA - Dating

## Victim V1: ConfV1

### Confidential

### Name

ConfV1

### Alert(s)

### A' )

### Victim Type

I - Individual

### Injury

M - Apparent Minor Injury

### Circumstances

### Testify

### Victim Of

PC273.5(A) - INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT(IBR 13B)(F)

Date Entered: 03/27/2013 08:38:29

Entered By: [REDACTED]

Date Verified: 04/25/2013 15:25:09

Verified By: [REDACTED]

Printed For: 0

Printed: June 7, 2013 - 13:32:51

Printed: June 7, 2013 - 13:32:51